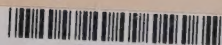


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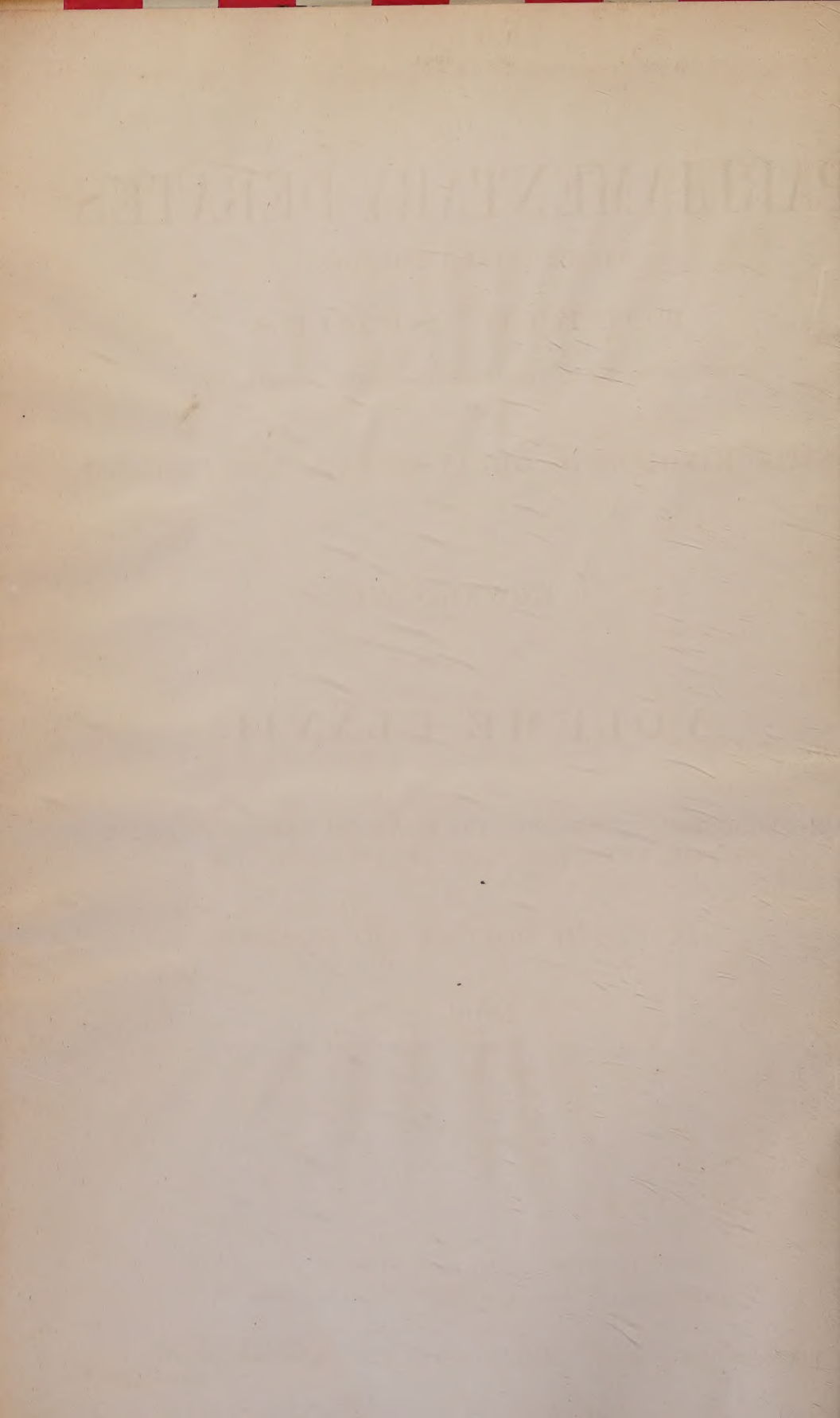
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THE
PARLIAMENTARY DEBATES

(AUTHORISED EDITION),

FOURTH SERIES

FIRST SESSION OF THE TWENTY-EIGHTH PARLIAMENT

OF THE

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND

6 EDWARD VII.

VOLUME CLXVII.

COMPRISING THE PERIOD FROM THE ELEVENTH DAY OF DECEMBER
TO THE TWENTY-FIRST DAY OF DECEMBER, 1906.

SIXTEENTH VOLUME OF SESSION

1906

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CHRONOLOGY OF "THE PARLIAMENTARY DEBATES."

THE PARLIAMENTARY HISTORY contains all that can be collected of the Legislative History of this country from the Conquest to the close of the XVIIIth Century (1803), 36 vols. The chief sources whence these Debates are derived are the Constitutional History, 24 vols. ; Sir Simonds D'Ewes' Journal; Debates of the Commons in 1620 and 1621; Chandler and Timberland's Debates, 22 vols. ; Grey's Debates of the Commons, from 1667 to 1694, 10 vols. ; Almon's Debates, 24 vols. ; Debrett's Debates, 63 vols. ; The Hardwicke Papers; Debates in Parliament by Dr. Johnson, &c., &c.

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PRIVATE BILL BUSINESS.

Ardrossan, Saltcoats and District Tramways Order Confirmation Bill [H.L.]; Dunfermline and District Tramways Order Confirmation Bill [H.L.]; Dunbartonshire Tramways Order Confirmation Bill [H.L.]. Read 2^a (according to order), and (pursuant to the Private Legislation Procedure (Scotland) Act, 1899) deemed to have been reported from the Committee; and Bills to be read 3^a on Friday next 1

PETITIONS.

LAND TENURE BILL.—Petitions for Amendment of; of members of Executive Committee of North Wales Property Defence Association, signing (15); read, and ordered to lie on the Table— 1

RETURNS, REPORTS, ETC.

ARMY.—Reports on the sanitary condition of Piershill Barracks, Edinburgh . . . 2

TRADE REPORTS: ANNUAL SERIES.—No. 3738. Cuba (Trade for 1905) . . . 2

BOARD OF AGRICULTURAL AND FISHERIES.—Report on the decline in the agricultural population of Great Britain, 1881–1906.

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SEAMEN'S SAVINGS BANKS (MONEY ORDERS, AND TRANSMISSION OF WAGES.)—Account of all deposits received and repaid by the Board of Trade on account of Seamen's Savings Banks, under the authority of the Merchant Shipping Act, 1894, during the year ended 20th November, 1905, and of

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the interest thereon; statement showing the number and amount of seamen's money orders issued and paid at ports in the United Kingdom and at ports abroad from 1855 to 31st March, 1906; also, statement showing the receipts and payments in connection with the transmission of seamen's wages, home and foreign, from 1878 to 31st March, 1906: Laid before the House (pursuant to Act), and ordered to lie on the Table .. 2

ARMY.—Return respecting: Laid before the House (pursuant to Address of 24th July last), and to be printed. (No. 230) 3

Street Betting Bill [H.L.].—Returned from the Commons agreed to, with Amendments: The said Amendments to be printed. (No. 229) 3

Removal of Offensive Matter Bill (No. 231.)

Recorders, Stipendiary Magistrates and Clerks of the Peace Bill (No. 232.)

Licensing (Removal of Doubts) Bill (No. 233.)—Brought from the Commons and read 1^a, and to be printed

Town Tenants (Ireland) Bill.—Order of the day for the House to be put into Committee read.

Moved, "That the House do now resolve itself into the said Committee."—(*Lord Denman*.)

The Marquess of Londonderry 3
The Lord President of the Council (The Earl of Crewe) 4

On Question, Motion agreed to.

House in Committee (according to Order.)

Clause 1:—

Lord Clonbrock

Amendment moved—

"In page 1, line 9, after the word 'made' to insert the words 'subsequent to the date of the passing of this Act.'"—(*Lord Clonbrock*.)

The Earl of Mayo 7
Lord Dunboyne 8
The Earl of Dunraven 9
Lord Ashbourne 9
Lord Denman 9
Lord Ashbourne 12
Lord Zouche of Haryngworth 14
The Earl of Dunraven 15
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On Question, "That the words 'subsequent to the date of the passing of this Act,' be there inserted," their Lordships divided :—Contents, 123 ; Not-contents, 29.

Lord Ashbourne

Amendment moved—

"In page 1, line 13, after the word 'landlord,' to insert the words 'provided always that the sum to be awarded as compensation for any improvement shall, in no case, exceed the capitalised value of such addition to the letting value of such holding as the Court shall determine to be the direct result of such improvement.'"—(*Lord Ashbourne.*)

Lord Denman 24

On Question, Amendment agreed to.

The Earl of Arran 25

Amendment moved—

"In page 1, line 20, after the word 'consideration,' to insert the words 'the time during which the tenant may have enjoyed the advantage of the improvements, and.'"—(*The Earl of Arran.*)

Lord Denman 26

The Earl of Meath 27

On Question, Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2 :—

Consequential Amendments agreed to.

The Earl of Dunraven 27

Amendment moved—

"In page 2, lines 20 to 23, to leave out subsection (5)."—(*The Earl of Dunraven.*)

On Question, Amendment agreed to.

Consequential Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 :—

Lord Oranmore and Browne.. .. . 28

Amendment moved—

“In page 3, line 11, after the word ‘such,’ to insert the words ‘five pounds per centum or other.’”—(*Lord Oranmore and Browne.*)

Lord Denman 28

Amendment, by leave, withdrawn.

Amendment moved—

“In the last line of the subsection, to leave out the words ‘such annual sum,’ and to insert the words ‘any annual sum charged against a tenant under this sub-section.’”—(*Lord Oranmore and Browne.*)

On Question, Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5 :—

The Earl of Donoughmore 29

Amendment moved—

“In page 4, line 7, to leave out from ‘(1),’ to the end of line 15, and insert the words ‘where the landlord, without good and sufficient cause, and for reasons inconsistent with good estate management, terminates or refuses to grant a renewal of the tenancy, or it is proved that an increase of rent is demanded from the tenant as the result of improvements which have been effected at the cost of such tenant, and for which he has not, either directly or indirectly, received an equivalent from the landlord, and such demand results in the tenant quitting the holding, the tenant upon quitting the holding shall, in addition to the compensation (if any) to which he may be entitled in respect of improvements and notwithstanding any agreement to the contrary, be entitled to compensation for the loss or expense which the tenant, by reason of his quitting the holding, sustains or incurs upon or in connection with the removal of his goods, implements, produce, or stock: provided that such compensation shall in no case exceed one year’s rent of the holding.’”—(*The Earl of Donoughmore.*)

Lord Denman 31
Viscount St. Aldwyn 32
The Earl of Dunraven 32
The Earl of Crewe 33

On Question, Amendment agreed to.

The Earl of Leitrim 34

Amendment moved—

“In page 4, line 23, to leave out the word ‘partly,’ and insert the word ‘mainly.’”—(*The Earl of Leitrim.*)

<i>Lord Denman</i>	..	..	..	..	..	..	..	34
<i>Lord Ashbourne</i>	..	..	..	..	..	..	..	34
<i>The Earl of Crewe</i>	..	..	..	..	..	..	..	35

Amendment, by leave, withdrawn.

Moved, "That the clause, as amended, stand part of the Bill."

<i>Viscount Ridley</i>	..	..	..	..	..	..	..	35
<i>Lord Barrimore</i>	..	..	..	..	..	..	..	36
<i>Viscount St. Aldwyn</i>	..	..	..	..	..	..	..	37
<i>The Earl of Mayo</i>	..	..	..	..	..	..	..	39

On Question, Clause 5, as amended, agreed to.

Clauses 6, 7, and 8 agreed to.

Clause 9 :—

<i>Lord Barrymore</i>	..	..	..	..	..	..	..	40
<i>Lord Denman</i>	..	..	..	..	..	..	..	41
<i>The Marquess of Lansdowne</i>			..	..	..	..	..	42
<i>The Earl of Crewe</i>	..	..	..	..	..	..	..	42
<i>Lord Ashbourne</i>	..	..	..	..	..	..	..	43
<i>Lord Atkinson</i>	..	..	..	..	..	..	..	44

On Question, Clause 9, as amended, agreed to.

Clause 10—

Drafting Amendment agreed to.

Lord Dunboyne 44

Amendments moved—

“In page 5, line 26, after the word ‘Act’ to insert the following new subsection: ‘(3) An appeal may be taken from any determination of the County Court under this Act, and the enactments in the County Court (Ireland) Acts, 1851 to 1889, relating to appeals in the case of ordinary civil Bill, shall apply accordingly.’”

"In line 27, after the word 'appeal' to insert the words at the election of the party appealing."—(Lord Dunboyne.)

On Question, Amendments agreed to.

Clause 10, as amended, agreed to.

Clause 11 agreed to.

Clause 12 :—

The Earl of Mayo 46

Amendment moved—

“In page 6, lines 4 and 5, to leave out the words ‘clubs for social and athletic purposes.’”—(*The Earl of Mayo.*)

Lord Denman 46

On Question Amendment agreed to.

The Earl of Pembroke 47

Amendment moved—

“In page 6, line 5, after the word ‘buildings,’ to insert the words situate in towns and.’”—(*The Earl of Pembroke.*)

Lord Denman 48

The Earl of Pembroke 49

Lord Ashbourne 49

The Earl of Crewe 50

The Marquess of Lansdowne 51

On Question, Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13 :—

Amendment moved—

“In page 6, to leave out lines 21, 22 and 23.”—(*Lord Denman.*)

Lord Ashbourne 52

On Question, Amendment negatived.

Clause 13 agreed to.

Remaining clauses agreed to.

Standing Committee negatived. The Report of Amendments to be received on Friday next, and Bill to be printed as amended. (No. 234.)

Merchant Shipping Acts Amendment (No. 2) Bill.—House in Committee (according to order).

Clause 1 :—

Lord Inverclyde 52

Amendment moved—

“In page 1, line 11, after the word ‘within’ to insert the words ‘and on all voyages the cargo to.’”—(*Lord Inverclyde.*)

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Amendment by leave, withdrawn.

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	56
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Amendment moved—

“In page 1, line 22, after the word ‘Act,’ to insert the following new sub-section, ‘Section four hundred and fifty-nine of the principal Act, which relates to the detention of British ships, shall apply in the case of a ship which is unsafe by reason of insufficient ballasting or improper ballasting, and, in the case of any British or foreign ship which is sailing in ballast either to or from any port in the United Kingdom or Colonies, and Regulations shall be framed by the Board of Trade which insure that all necessary and reasonable precautions shall be taken to prevent the ballast from shifting.’”—(*Lord Muskerry*.)

<i>The Earl of Granard</i>	..	..	..	..	..	..	..	57
<i>Lord Muskerry</i>	..	..	..	..	..	..	..	57
<i>Lord Tweedmouth</i>	..	..	..	..	..	..	..	58

Amendment by leave, withdrawn.

On Question, Clause 1, as amended, agreed to.

Clause 2 :—

Drafting Amendment agreed to.

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	58
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Amendment moved—

“In page 2, line 9, after the word ‘cargo’ to insert the words ‘or ballast.’”—(*Lord Muskerry*.)

<i>Lord Brassey</i>	..	..	..	..	..	..	..	59
<i>Lord Muskerry</i>	..	..	..	..	..	..	..	60
<i>The Earl of Granard</i>	..	..	..	..	..	..	..	60
<i>The Earl of Loudoun</i>	..	..	..	..	..	..	..	60

On Question, Amendment negatived.

Clause 2, as amended, agreed to.

Clause 3 :—

<i>Viscount St. Aldwyn</i>	..	..	..	..	..	..	..	60
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Amendment moved—

“To leave out Clause 3, and insert the following new clause :—
 ‘(1) After the first day of October, one thousand nine hundred and seven, sections four hundred and fifty-two and four hundred and fifty-five of the principal Act shall apply to a foreign ship which loads a grain cargo in the United Kingdom so long as the ship is within a port in the United Kingdom. (2) If, after the first day of October, one

thousand nine hundred and seven, a foreign ship laden with grain cargo arrives at any port in the United Kingdom having the grain cargo so loaded that the master of the ship, if the ship were a British ship, would be liable to a penalty under the provisions of Part V. of the principal Act relating to the carriage of grain, the master of that foreign ship shall be liable to a fine not exceeding three hundred pounds. (3) The provisions of section four hundred and fifty-four of the principal Act, so far as that section provides for the delivery of the notice mentioned therein to the proper officer of customs in the United Kingdom, shall apply to all foreign ships laden with grain cargo arriving at a port in the United Kingdom after the date aforesaid, and the master of the ship shall be liable accordingly.'"—(*Viscount St. Aldwyn.*)

<i>Lord Inverclyde</i>	..	..	..	..	..	..	..	..	62
<i>The Earl of Granard</i>	..	..	..	..	..	..	..	..	62

On Question, Amendment, with the suggested addition, agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5 :—

<i>The Earl of Granard</i>	..	..	..	..	..	..	..	63
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Amendments moved—

"In page 2, line 37, to leave out the word 'October' and to insert the word 'January.'"

"In line 38, to leave out the word 'eight,' and to insert the word 'nine.'"—(*The Earl of Granard.*)

On Question, Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6, 7, 8, and 9, with drafting Amendments, agreed to.

Clause 10 :—

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	63
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Amendment moved—

"In page 4, line 26, to leave out from the beginning of the clause to the word 'carrying' in line 29, and insert the words 'if a British ship leaves any port on the coast of North America between the last day of October and the 16th day of April, or if any foreign ship arrives between the aforesaid period at any port in the United Kingdom.'"
—(*Lord Muskerry.*)

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<i>Lord Muskerry</i>	..	..	..	..	..	..	..	65
<i>Lord Tweedmouth</i>	..	..	..	..	..	..	..	65

Amendment, by leave, withdrawn.

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	65
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Amendment moved—

“In page 4, line 31, to leave out the words ‘if he is privy to the offence.’”—(*Lord Muskerry*.)

<i>Lord Tweedmouth</i>	..	..	..	..	..	..	..	66
<i>The Marquess of Salisbury</i>	..	..	..	..	..	..	..	67
<i>Lord Muskerry</i>	..	..	..	..	..	..	..	67
<i>Lord Tweedmouth</i>	..	..	..	..	..	..	..	68

On Question, Amendment negatived.

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	68
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Amendment moved—

“In page 4, lines 32 and 33, to leave out the words ‘for every 150 cubic feet’ and to insert the words ‘for every 100 cubic feet.’”—(*Lord Muskerry*.)

<i>The Earl of Granard</i>	..	..	..	..	..	..	..	69
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On Question, Amendment negatived.

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	69
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Amendment moved—

“In page 5, line 9, to leave out from the word ‘exceed’ to the end of sub-section (3), and to insert the words ‘3 feet, or, in the case of a covered space, the full height of that space.’”—(*Lord Muskerry*.)

<i>The Earl of Granard</i>	..	..	..	..	..	..	..	70
<i>Lord Ellenborough</i>	..	..	..	..	..	..	..	70

On Question, Amendment negatived.

Drafting Amendment agreed to.

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	71
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On Question, Clause 10, as amended, agreed to.

Drafting Amendments agreed to.

Clauses 11 and 12, as amended, agreed to.

Clause 13 :—

Drafting Amendment agreed to.

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	71
<i>The Earl of Granard</i>	..	..	..	..	..	..	..	72
<i>Lord Muskerry</i>	..	..	..	..	..	..	..	72

On Question, Clause 13, as amended, agreed to.

Clauses 14 to 16 agreed to.

Clause 17 :—

Lord Muskerry 72

Amendment moved—

“In page 8, line 31, after the word ‘master,’ to insert the words ‘and owner.’”—(*Lord Muskerry.*)

The Earl of Granard 73

Amendment, by leave, withdrawn.

Clause 17 agreed to.

Consequential and drafting Amendment agreed to.

Clauses 18, 19, 20, 21, 22, 23, 24, and 25 agreed to.

Clause 26 :—

Drafting Amendments agreed to.

Lord Ellenborough 73

Amendment moved—

“In page 12, line 25, after the word ‘pounds’ to insert the following new sub-section, ‘(4) A shipowner shall be unable to contract himself out of his responsibility for the provisioning of seamen.’”—(*Lord Ellenborough.*)

<i>The Marquess of Salisbury</i>	..	..	..	..	..	..	74
<i>Lord Ellenborough</i>	..	..	..	..	..	..	74
<i>Lord Tweedmouth</i>	..	..	..	..	..	..	75

Amendment, by leave, withdrawn.

Clause 26, as amended, agreed to.

Clause 27 :—

The Lord Bishop of Bangor 75

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Amendment moved—

“In page 12, line 32, after the word ‘capacity,’ to insert the words ‘and at least one officer or seaman who is duly certificated in proficiency in first-aid and ambulance work.’”—(*The Lord Bishop of Bangor.*)

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	77
<i>Lord Brassey</i>	..	..	..	..	..	..	..	77
<i>The Earl of Granard</i>	..	..	..	..	..	..	..	77
<i>Lord Zouche of Hargreaves</i>	..	..	..	..	..	..	..	78
<i>The Marquess of Salisbury</i>	..	..	..	..	..	..	..	78
<i>Lord Tweedmouth</i>	..	..	..	..	..	..	..	79

Amendment, by leave, withdrawn.

Drafting Amendments agreed to.

Clause 28—

Clause, as amended, agreed to.

<i>Lord Ellenborough</i>	..	..	..	..	..	..	..	80
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Amendment moved—

“In page 13, line 27, to leave out from the word ‘trade’ to the word ‘such’ in line 36, and to insert the words ‘of the effects and wages.’”—(*Lord Ellenborough.*)

<i>Earl of Granard</i>	..	..	..	..	..	..	..	81
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On Question, Amendment negatived.

<i>The Earl of Granard</i>	..	..	..	..	..	..	..	81
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Amendment moved—

“In page 13, line 36, to leave out from the word ‘Act’ to the end of the subsection, and insert the words ‘the master shall, if required by the proper officer in accordance with regulations made by the Board of Trade, furnish such vouchers as may reasonably be required to verify the accounts.’”—(*The Earl of Granard.*)

<i>Lord Ellenborough</i>	..	..	..	..	..	..	..	81
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On Question, Amendment agreed to.

Consequential and drafting Amendments agreed to.

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	82
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Amendment moved—

“In page 16, line 25, after the word ‘have’ to insert the words ‘to his knowledge.’”—(*Lord Muskerry.*)

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On Question, Amendment negatived.

Clause 28, as amended, agreed to.

Clause 29—

Drafting Amendments, agreed to.

Clause 29, as amended, agreed to.

Clauses 30 and 31 agreed to.

Clause 32 :—

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	..	82
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Amendment moved—

“ In page 18, line 2, to leave out, ‘ His Majesty’s dominions ’
and insert ‘ the United Kingdom. ’ ”—(*Lord Muskerry.*)

<i>Lord Ellenborough</i>	..	..	..	..	..	..	..	..	83
<i>The Earl of Granard</i>	..	..	..	..	..	..	..	..	83
<i>Lord Ellenborough</i>	..	..	..	..	..	..	..	..	83

On Question, Amendment agreed to.

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	..	84
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Amendments moved—

“ In page 18, line 35, after the word ‘ seaman ’ to insert the follow-
ing new subsection : ‘ () The master of a vessel whose services have
terminated at a port outside the United Kingdom shall be entitled
to have his passage home provided at the expense of the owner to a
proper return port. ’ ”

“ In line 36, after the word ‘ foreign ’ insert the words ‘ master or. ’ ”
—(*Lord Muskerry.*)

<i>Lord Tweedmouth</i>	..	..	..	..	..	..	..	..	84
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Amendment, by, leave, withdrawn.

Clause 32, as amended, agreed to.

Drafting Amendments agreed to.

Clauses 33, 34, 35, and 36 agreed to.

Clause 37.

<i>Lord Ellenborough</i>	..	..	..	..	..	..	..	..	85
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Amendment moved—

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"In page 21, lines 21 and 22, to leave out the words 'a fine not exceeding twenty pounds' and insert the words 'deprivation of his certificate of master.'"—(*Lord Ellenborough.*)

<i>The Earl of Granard</i>	86
<i>The Marquess of Salisbury</i>	86

Amendment, by leave withdrawn.

Clause 37, as amended, agreed to.

Clauses 38 and 39 agreed to.

Clause 40 :—

Amendment moved—

"In page 23, line 5, to leave out 'may' and insert 'shall.'"—(*Lord Muskerry.*)

On Question, Amendment agreed to.

Clause 40, as amended, agreed to.

Clause 41 :—

<i>Lord Ellenborough</i>	87
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Clauses 41, 42, and 43 agreed to.

Drafting Amendments agreed to.

Clauses 44, 45, 46, 47, and 48 agreed to.

Clause 49 :—

<i>Lord Muskerry</i>	88
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Amendment moved—

"In page 28, line 35, after the word 'service' to insert the words 'and masters.'"—(*Lord Muskerry.*)

<i>The Earl of Granard</i>	89
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Amendment, by leave, withdrawn.

On Question, Clause 49 agreed to.

Clauses 50 and 51, with drafting Amendments, agreed to.

Clause 52 :—

<i>Lord Balfour of Burleigh</i>	89
<i>The Earl of Granard</i>	90

On Question, Clause 52 agreed to.

Clauses 53, 54, and 55 agreed to.

Clause 56 :—

Lord Muskerry 90

Amendment moved—

“To leave out Clause 56, and insert the following new clause : ‘(1) Every British foreign going ship of over eighty tons net register tonnage and every British home trade ship of over eighty tons net register tonnage, and every foreign ship of over eighty tons register tonnage trading between places in the United Kingdom shall when going to sea be provided with officers duly certificated under this Act, according to the following scale—“(a) In every case with a duly certificated master ; (b) In every case with duly certificated officers in accord with the scale as follows : (i) Every British foreign going or home trade ship of less than eight hundred tons net register tonnage shall carry, besides the master, at least two certificated officers holding certificates of a grade not lower than that which they occupy on board the ship ; (ii) Every British foreign going ship or home trade ship of over eight hundred tons net register tonnage shall carry at least three certificated officers besides the master ; (iii) Every British foreign going steam ship of over three thousand tons net register tonnage shall carry at least four certificated officers besides the captain ; (iv) A foreign going sailing ship of under two hundred tons net register tonnage may, besides the master, carry one certificated officer only, and the possession of a second mate’s certificate for foreign going vessels shall be deemed sufficient in this case ; (v) If the ship is a foreign going steamship of one hundred nominal horsepower or upwards, with at least two engineers, one of whom shall be a first-class and the other a first-class or second-class engineer, duly certificated : (vi) If the ship is a foreign going steamship of less than one hundred nominal horse-power, or a sea-going home trade passenger steamship, with at least one engineer who is a first-class or second-class engineer, duly certificated ; (2) If any person (a) having been engaged as one of the above-mentioned officers goes to sea as such officer without being duly certificated ; or (b) employs a person as an officer in contravention of this section, without ascertaining that the person so serving is duly certificated, that person shall be liable for each offence to a fine not exceeding fifty pounds. (3) An officer shall not be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency under this Act, of a grade appropriate to his station in the ship, or of a higher grade. (4) Section 92 of the principal Act is hereby repealed.’ ”—(*Lord Muskerry*.)

The Earl of Granard 91

Amendment, by leave, withdrawn.

Clause 56 agreed to.

Amendment moved—

“To insert as a new clause ‘In any action or other legal proceedings by the master of a ship for the recovery of any sum due to him on account of wages, the Court may, if it appears to them that the payment of the sum due has been delayed otherwise than owing to the act or default of the master, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the person liable to make the payment, order that person to pay, in addition to any sum due on account of wages, such sum as they think just as damages in respect of the delay, without prejudice to any claim which may be made by the master on that account.’”—(*The Earl of Granard.*)

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	92
<i>The Marquess of Salisbury</i>	..	..	..	..	..	..	..	92

On Question, Amendment agreed to.

Clause 57 agreed to.

Clause 58 :—

Lord Muskerry 92

Amendment moved—

“ In page 31, lines 32 and 33, to leave out the words ‘ and furnish the seaman with a copy of the entry. ’ ”—(*Lord Muskerry.*)

<i>Lord Tweedmouth</i>	..	..	..	..	..	..	..	92
<i>Lord Muskerry</i>	..	..	..	..	..	..	..	93
<i>Lord Ellenborough</i>	..	..	..	..	..	..	..	93

On Question, Amendment negatived.

Clause 58 agreed to.

Clause 59 :—

The Earl of Granard 93

Amendment moved—

“To leave out Clause 59 and to insert as a new clause, ‘Notwithstanding anything in Section 136 of the principal Act, a seamen may except from the release, signed by him, any specified claim or demand against the master or owner of the ship, and a note of any claim or demand so excepted shall be entered upon the release. The release shall not operate as a discharge and settlement of any claim or demand so noted, nor shall sub-section (4) of that section apply to any payment receipt, or settlement made with respect to any such claim or demand.’—(*The Earl of Granard.*)

On Question, Amendment agreed to.

Lord Muskerry 94

Amendment moved—

“ In the case of delay in payment of the wages of the master of a British foreign-going vessel or home trade vessel for a period of over seven days after his account has been rendered, he shall be entitled to wages up to the date of final settlement unless the delay is due to the wrongful act or default of the master or to any reasonable objection as to liability.”—(*Lord Muskerry*.)

Earl of Granard 94

Amendment, by leave, withdrawn.

Clause 60 agreed to.

Clause 61 :—

The Lord Bishop of Bangor 94

Amendment moved—

“ In page 32 line 26, to leave out the word ‘ ten ’ and to insert the word ‘ five. ’ ”—(*The Lord Bishop of Bangor*.)

Lord Ellenborough 95

Earl of Granard 96

Lord Ellenborough 96

On Question, Amendment negatived.

Consequential and drafting Amendments agreed to.

On Question, Clause 61, as amended, agreed to.

The Lord Bishop of Bangor 96

Amendment moved—

“ To insert the following new clause :—‘ After a ship has been in port eight days, a seaman shall be entitled to be paid by the master a sum not exceeding half the wages earned by him during that week and to a similar sum each succeeding seventh day while the ship remains in port. ’ ”—(*The Lord Bishop of Bangor*.)

Lord Ellenborough 98

Lord Tweedmouth 98

The Marquess of Salisbury 99

Amendment, by leave, withdrawn.

Clause 62 :—

Drafting Amendments agreed to.

Lord Muskerry 99

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Amendment moved—

“In page 33, line 10, after the word ‘space’ to insert the words ‘any officer who signs articles of agreement as mate of any grade on either a foreign-going or home-trade vessel shall be entitled to proper and suitable accommodation in a room devoted solely to his own use of a space not less than one hundred and forty-four cubic feet and of not less than twenty-four superficial feet measured on the deck or floor of that space.’”—(*Lord Muskerry*.)

The Earl of Granard 100

On Question, Amendment negatived.

Lord Ellenborough 101

Amendment moved—

“In page 33, line 10, after the word ‘space’ to insert the following new subsection: () All steamships shall be fitted with bathrooms and washing-places to which hot water shall be laid on. The dimensions and fittings of these bathrooms and washing-places shall be such as to enable the whole of one watch of engineers, firemen, and coal-trimmers to clean themselves in one half-hour when coming off watch. The master and seamen shall have access to these bathrooms and washing-places at such specified times as will not interfere with the engineers, firemen, and coal-trimmers coming off watch. All sailing vessels shall have one bathroom or washing-place to which hot water can be laid on. The Board of Trade shall have power to draw up rules and regulations for the measurements, fittings, and use of these bathrooms and washing-places on the above-mentioned basis, and to vary these rules and regulations from time to time as it may think necessary. In page 33, lines 13 and 14, to leave out ‘bathrooms or washing-places.’ Line 18, after ‘apprentice,’ to insert as a new subsection: (3) All iron in the quarters occupied by the master or by officers or seamen shall be completely insulated by asbestos, cork varnish, or some similar material in such a manner as to reduce drip, and so as to leave no interstices in which insects might be able to congregate.”—(*Lord Ellenborough*.)

The Earl of Granard 103

Lord Ellenborough 103

Lord Tweedmouth 104

Amendment, by leave, withdrawn.

Clause 62, as amended, agreed to.

Clauses 63, 64 and 65 agreed to.

Drafting Amendments agreed to.

Clauses 66, 67, 68, 69 and 70 agreed to.

Lord Muskerry 104

Lord Ellenborough 105

Amendment moved—

“ To insert the following new clause :—‘ (1) If an alien, who cannot bring proof that he has served as master of a British ship for a period of at least three months previous to the first day of January one thousand and nine hundred and seven, leaves a port in the United Kingdom as master of a British ship, he shall be liable on each occasion to a fine of one hundred pounds. (2) If an alien, who cannot bring proof that he has served as master, mate, or second mate of a British ship for a period of at least three months previous to the first day of January one thousand nine hundred and seven, leaves a port in the United Kingdom as mate or second mate of a British ship, he shall be liable on each occasion to a fine of fifty pounds. (3) If an alien, who cannot bring proof that he has served as master of a British ship for a period of at least three months previous to the first day of January one thousand nine hundred and seven, act as master of a British ship out of the United Kingdom for more than six months in any one year, he shall be liable to a fine of one hundred pounds. (4) If an alien, who cannot bring proof that he has served as master, mate, or second mate of a British ship for a period of at least three months previous to the first day of January one thousand nine hundred and seven, act as mate or second mate of a British ship out of the United Kingdom for more than six months in any one year, he shall be liable to a fine of fifty pounds.’ ”—(*Lord Ellenborough.*)

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Amendment, by leave, withdrawn.

Clause 71 agreed to.

Clause 72 :

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Clause 72, with drafting Amendments, agreed to.

Clause 73 agreed to.

Clause 74 :—

Clause 74 disagreed to.

<i>The Earl of Granard</i>	108
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Amendment moved—

“ In page 43, in the column headed ‘ Dried or compressed vegetables,’ to leave out ‘ $\frac{1}{4}$ ’ wherever it occurs.”—(*Lord Granard.*)

On Question Amendment agreed to.

Standing Committee negatived. The Report of Amendments to be received on Friday next, and Bill to be printed as amended. (No. 235.)

House adjourned at five minutes before Twelve o'clock till To-morrow, a quarter past Four o'clock.

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HOUSE OF COMMONS: TUESDAY, 11TH DECEMBER, 1906.

The House met at a quarter before Three of the Clock.

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Housing of the Working Classes Acts Amendment Bill.—Reported, without Amendment from the Select Committee, with Minutes of Evidence.

Special Report brought up, and read.

Report and Special Report to lie upon the Table and to be printed. [No. 376.] 153

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The Prime Minister and First Lord of the Treasury (Sir H. Campbell-Bannerman, Stirling Burghs) 153

Motion made, and Question proposed, ‘That the question of agreement or disagreement with the Lords Amendments to the Education (England and Wales) Bill be put with respect to the Amendments as a whole.’—(Sir H. Campbell-Bannerman.)

Mr. A. J. Balfour (City of London) 159
The Chancellor of the Exchequer (Mr. Asquith, Fifeshire, E.) 167
Lord Edmund Talbot (Sussex, Chichester) 172
Lord R. Cecil (Marylebone, E.) 173
Sir Philip Magnus (London University) 174

Amendment proposed—

“After the word ‘Bill’ to insert the words ‘except with regard to the Lords’ Amendment in page 1, line 10.’”—(Lord R. Cecil.)

Question proposed, “That those words be there inserted.”

The President of the Board of Education (Mr. Birrell, Bristol, N.) .. 175
Sir A. Acland-Hood (Somersetshire, Wellington) 176
Colonel Williams (Dorsetshire, W.) 177
Major Seely (Liverpool, Abercromby) 178
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Sir Walter Foster (Derbyshire, Ilkeston) 179
Mr. Butcher (Cambridge University) 180
Mr. Bridgeman (Shropshire, Oswestry) 182
Mr. Bowles (Lambeth, Norwood) 182

Question put.

The House divided :—Ayes, 104; Noes, 306. (Division List, No. 487.)

Mr. C. J. O'Donnell (Newington, Walworth) 187
Mr. Walsh (Lancashire, Ince) 189

Amendment proposed—

“At the end of the Question, to add the words ‘except in regard to Amendments to Clause 4.’”—(Mr. C. J. O'Donnell.)

Question proposed, “That those words be there added.”

The President of the Board of Education (Mr. Birrell, Bristol, N.) .. 191
Mr. A. J. Balfour 192

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Question put.

The House divided :—Ayes, 106 ; Noes, 306. (Division List, No. 488.)

Main Question again proposed.

<i>Lord Balcarras (Lancashire, Chorley)</i>	..	..	..	..	..	195
<i>Mr. Ellis Griffith (Anglesey)</i>	..	..	..	..	..	195
<i>Mr. T. M. Healy (Louth, N.)</i>	..	..	..	..	..	198
<i>Mr. Cave (Surrey, Kingston)</i>	..	..	..	..	..	201
<i>Mr. Carlile (Herts, St. Albans)</i>	..	..	..	..	..	202

Question put.

The House divided. Ayes, 317 ; Noes, 89. (Division List, No. 489.)

Ordered, "That the question of agreement or disagreement with the Lords Amendments to the Education (England and Wales) Bill be put with respect to the Amendments as a whole."

Education (England and Wales Bill).—Order read, for further consideration of Lords Amendments.

Lords Amendments read a second time.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendments."

<i>Sir William Anson (Oxford University)</i>	..	..	..	..	..	207
<i>Colonel Herbert (Monmouthshire, S.)</i>	..	..	..	..	..	214
<i>Lord Edmund Talbot</i>	..	..	..	..	..	215
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<i>Mr. Lane-Fox (Yorkshire, W.R., Barkston Ash)</i>	..	..	..	..	..	241

Motion made, and Question, "That the Debate be now adjourned,"—(*Dr. Macnamara*)—put, and agreed to.

Debate to be resumed To-morrow.

Expiring Laws Continuance Bill [SECOND READING].—Order for the Second Reading read.

<i>Mr. W. Long (Dublin, S.)</i>	..	..	..	..	..	244
<i>The Chief Secretary for Ireland (Mr. Bryce, Aberdeen, S.)</i>	..	..	..	..	..	245
<i>Mr. A. J. Balfour</i>	..	..	..	..	..	246
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<i>Mr. T. L. Corbett (Down, N.)</i>	..	..	..	..	..	248
<i>Mr. William Rutherford (Liverpool, West Derby)</i>	..	..	..	..	..	248
<i>Mr. Lupton (Lincolnshire, Sleaford)</i>	..	..	..	..	..	250

Bill read a second time, and committed for to-morrow.

Dec. 29.]

NATIONAL GALLERIES OF SCOTLAND (EXPENSES).

Considered in Committee.

(In the Committee.)

[Mr. EMMOTT (Oldham) in the Chair.]

Motion made, and Question proposed "That it is expedient to authorise the payment, out of moneys provided by Parliament, of the Cost of Maintenance and repair of the National Gallery and other buildings in Scotland, and of all Expenditure incurred in connection therewith under any Act of the present session to establish a Board of Trustees to manage the National Galleries of Scotland, and for other purposes; and to authorise the charge on the Consolidated Fund of an Annuity of £2,000 presently payable out of moneys provided by Parliament in pursuance of such Act."—(*Mr. Sinclair.*)

<i>Mr. Morton (Sutherland)</i>	.. .. .	251
<i>The Secretary for Scotland (Mr. Sinclair, Forfarshire)</i>	.. .. .	251
<i>Lord Balcarres (Lancashire, Chorley)</i>	.. .. .	251
<i>Mr. William Rutherford</i>	.. .. .	252

Motion made, and Question put, "That the Chairman do report progress; and ask leave to sit again."—(*Mr. William Rutherford.*)

The Committee divided :—Ayes, 31; Noes, 210. (Division List, No. 490.)

Original Question again proposed.

<i>Mr. Morton</i>	.. .. .	255
<i>Mr. Dalziel (Kirkcaldy Burghs)</i>	.. .. .	255
<i>Mr. Claude Hay (Shoreditch, Hoxton)</i>	.. .. .	255
<i>Mr. Sinclair</i>	.. .. .	256
<i>Mr. William Rutherford</i>	.. .. .	256

Mr. McCRAE (Edinburgh, E.) moved that the Question be now put.

Question put, "That the Question be now put."

The Committee divided :—Ayes, 181; Noes, 18. (Division List No. 491.)

Question put accordingly, and agreed to.

Resolved, "That it is expedient to authorise the payment, out of moneys provided by Parliament, of the Cost of Maintenance and Repair of the National Gallery and other buildings in Scotland, and of all Expenditure incurred in connection therewith under any Act of the present session to establish a Board of Trustees to manage the National Galleries of Scotland, and for other purposes; and to authorise the charge on the Consolidated Fund of an Annuity of two thousand pounds presently payable out of moneys provided by Parliament in pursuance of such Act."

Resolution to be reported this day.

Dec. 12.]

Land Tax Commissioners Bill.

Considered in Committee.

(In the Committee.)

[Mr. EMMOTT (Oldham) in the Chair.]

Clause 1 :—

Sir Charles Dilke (Gloucestershire, Forest of Dean) 259

Amendment proposed—

“ In page 1, line 17, after the word ‘ estate ’ to insert the words
‘ either landed or personal. ’ ”—(*Mr. Claude Hay.*)

Question, “ That those words be there inserted, ” put, and agreed to.

Bill reported ; as amended to be considered to-morrow.

Small Landowners (Scotland) Bill.—Order for Second Reading read, and
discharged ; Bill withdrawn 260Whereupon Mr. Deputy-Speaker adjourned the House without Question
put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at twenty-seven minutes after Twelve o'clock.

HOUSE OF LORDS : WEDNESDAY, 12TH DECEMBER, 1906.

*PETITIONS.***PUBLIC SLAUGHTER HOUSES BILL [H.L.]**.—Petition for Amendment of ; of
Royal College of Veterinary Surgeons. Read, and ordered to lie on the
Table. 261**TRADE DISPUTES BILL**.—Petitions for Amendment of : of Master Masons As-
sociation of Glasgow and neighbourhood ; Members of Scottish Building
Trades Federation (signing) ; and Members of Yorkshire Glass Bottle
Manufacturers Association (signing) ; Read and ordered to lie on the
Table. 261*RETURNS, REPORTS, ETC.***POPLAR UNION**.—Transcript of shorthand notes taken at the public inquiry
held by J. S. Davy, C.B., Chief General Inspector of the Local Govern-
ment Board, into the general conditions of the Poplar Union, its pauperism,
and the administration of the Guardians and their officers. Presented
(by Command) and ordered to lie on the Table. 261

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BUSINESS ARRANGEMENTS.

<i>The Lord Privy Seal (The Marquess of Ripon)</i>	..	..	..	..	261
<i>The Marquess of Lansdowne</i>	..	..	..	..	262
<i>The Earl of Camperdown</i>	..	..	..	..	263
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<i>Lord Heneage</i>	..	..	..	..	264
<i>The Lord President of the Council (The Earl of Crewe)</i>	..	..	..	..	264
<i>Lord Ribblesdale</i>	..	..	..	..	226
<i>Viscount St. Aldwyn</i>	..	..	..	..	266
<i>The Marquess of Ripon</i>	..	..	..	..	267

THE CASE OF THE S.S., "SNOWDON."

<i>Lord Muskerry</i>	..	..	..	..	..	..	..	267
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Moved to resolve: "That in the opinion of this House, in the interests of justice in all future prosecutions, before taking any statement from a person against whom it is contemplated to institute criminal proceedings, it be an instruction to persons acting on behalf of the Board of Trade to inform the person from whom they desire to obtain the statement, that he should be advised by his own solicitor as to the desirability of making any statement, and that in all cases of criminal prosecutions of this nature no evidence obtained by the Board of Trade in favour of the accused be withheld from the tribunal investigating the charge."—(*Lord Muskerry*.)

<i>The Earl of Granard</i>	..	..	..	..	..	..	..	268
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Motion, by leave, withdrawn.

<i>The Earl of Donoughmore</i>	..	..	..	..	..	270
<i>The Under-Secretary of State for War (The Earl of Portsmouth)</i>	..	..	..	..	..	271
<i>The Marquess of Salisbury</i>	..	..	..	..	..	272
<i>The Marquess of Ripon</i>	..	..	..	..	..	272

Trade Disputes Bill.—Order for the Day for the House to be put into Committee read.

Moved, that the House do now resolve itself into the said Committee.—(*The Lord Chancellor*.)

<i>The Earl of Wemyss</i>	..	..	..	..	..	..	273
<i>The Lord Chancellor (Lord Loreburn)</i>	..	..	..	..	..	..	276

On Question, Motion agreed to.

House in Committee (according to Order.)

[*The Earl of ONSLOW in the Chair.*]

Clause 1 :—

<i>Lord Avebury</i>	..	..	..	..	..	..	276
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Clause 1 agreed to.

Clause 2 :—

<i>The Earl of Weymss</i>	276
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Amendment moved—

“In page 1, line 13, to leave out the words ‘one or more,’ and to insert the words not more than three.”—(*The Earl of Weymss.*)

<i>The Lord Chancellor</i>	277
<i>Earl Russell</i>	277
<i>Lord Avebury</i>	278
<i>Lord Coleridge</i>	279
<i>Lord James of Hereford</i>	280
<i>Lord Northbourne</i>	280
<i>The Marquess of Lansdowne</i>	281
<i>The Earl of Wemyss</i>	281

Amendment, by leave, withdraw.

<i>Lord Balfour of Burleigh</i>	282
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“In page 1, line 16, after the word ‘attend.’ to insert the words ‘peaceably and in a reasonable manner.’”—(*Lord Balfour of Burleigh.*)

<i>The Lord Chancellor</i>	284
<i>Lord James of Hereford</i>	285
<i>The Earl of Camperdown</i>	285
<i>The Marquess of Lansdowne</i>	286
<i>The Lord Chancellor</i>	287
<i>Earl Russell</i>	287
<i>The Marquess of Lansdowne</i>	283

On Question, “That the words ‘peaceably and in a reasonable manner’ be there inserted,” their Lordships divided: Contents, 72; Not-Contents, 49.

<i>The Earl of Wemyss</i>	289
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Amendment moved—

“In page 1, line 16, after the word ‘near,’ to insert the words ‘each entrance of,’ and to leave out the words ‘house or.’”—(*The Earl of Wemyss.*)

<i>The Lord Chancellor</i>	289
<i>Lord Avebury</i>	290
<i>Earl Russell</i>	291

On Question, Amendment negatived.

<i>The Earl of Wemyss</i>	291
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Amendment moved—

“In page 1, line 20, after the word ‘working,’ to insert the words ‘Provided that no person shall, after being requested by any person annoyed by his conduct, or by any constable instructed by such person to move away, so act as wilfully to obstruct, insult, or annoy such person. Provided that no person shall act in such a manner as to cause a reasonable apprehension in the mind of any other person that violence will be used to him or his wife or family, or damage be done to his property.’”—(*Earl of Wemyss.*)

The Lord Chancellor 291

On Question, Amendment negatived.

Lord Leith of Fyvie 292

Amendment moved—

“In page 1, line 20, after the word ‘working,’ to insert the words ‘provided that due notice shall have been given to the police authorities in the district affected of the contemplation or furtherance of a trade dispute.’”—(*Lord Leith of Fyvie.*)

The Lord Chancellor 292

Amendment, by leave, withdrawn.

Clause 2, as amended, agreed to

Clause 3 :—

Lord Balfour of Burleigh 293

Amendment moved—

“In Clause 3, page 1, lines 26 and 27, to leave out the words ‘induces some other person to break a contract of employment, or that it.’”—(*Lord Balfour of Burleigh.*)

The Lord Chancellor 295

Lord Avebury 296

On Question, Amendment negatived.

Clause 3 agreed to.

Clause 4 :—

Lord Kelvin. 297

Amendment moved—

“In page 2, line 8, to leave out the words ‘shall not be,’ and to insert the word ‘if’; and in line 9, after the word ‘court,’ to insert the words ‘shall not permit or entail any expenditure out of the funds of the trade union specially allotted to life insurance or charitable purposes.’”—(*Lord Kelvin.*)

<i>The Lord Chancellor</i>	298
<i>Lord James of Hereford</i>	300
<i>Lord Zouche of Haryngworth</i>	301
<i>Viscount St. Aldwyn</i>	302
<i>Lord Kelvin</i>	302

On Question, Amendment negatived.

<i>Lord Avebury</i>	304
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Amendment proposed—

“In page 2, line 8, after the word ‘union,’ to insert the words ‘in contemplation or furtherance of a trade dispute.’”—(*Lord Avebury*.)

<i>The Lord Chancellor</i>	304
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On Question, Amendment negatived.

Question proposed, “That Clause 4 stand part of the Bill.”

<i>Lord James of Hereford</i>	305
<i>The Marquess of Lansdowne</i>	305

On Question, Clause 4 agreed to.

Clause 5 :—

<i>Earl Russell</i>	305
<i>The Lord Chancellor</i>	306

Amendment, by leave, withdrawn.

On Question, Clause 5 agreed to.

<i>The Earl of Donoughmore</i>	306
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Amendment moved :—

“To insert as a new Clause :—‘Nothing in this Act shall apply to anything done in contemplation of or furtherance of a dispute arising from or out of or directly or indirectly connected with the use, occupation, or enjoyment by any person or persons of any land or any building or buildings thereon.’”—(*The Earl of Donoughmore*.)

<i>The Lord Chancellor</i>	311
<i>The Marquess of Londonderry</i>	313
<i>The Earl of Crewe</i>	314
<i>Lord Balfour of Burleigh</i>	315
<i>The Lord Chancellor</i>	316
<i>Lord Ashbourne</i>	317

On Question, “That those words be there inserted,” their Lordships divided :
—Contents, 64 ; Not-Contents, 20.

Bill reported with Amendments to the House.

Standing Committee negatived.

The Report of Amendments to be received on Friday next, and Bill to be printed as amended. (No. 236.)

House adjourned at a quarter before Nine o'clock, till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS: WEDNESDAY, 12TH DECEMBER, 1906.

The House met at a quarter before Three of the Clock.

PETITIONS.

FALKIRK AND DISTRICT TRAMWAYS (EXTENSIONS) ORDER CONFIRMATION BILL.—	
Read a second time ; to be considered to-morrow	321
PARLIAMENTARY FRANCHISE.—Petitions for extension to women :—from Bowness and Windermere ; Kensington ; St. Albans ; and South Manchester ; to lie upon the Table	321

RETURNS, REPORTS, ETC.

POPLAR UNION.—Copy presented, of Transcript of Shorthand Notes taken at the Public Inquiry held by J. S. Davey, Esquire, C.B., Chief General Inspector of the Local Government Board, into the general conditions of the Poplar Union, its Pauperism, and the Administration of the Guardians and their Officers (by Command] ; to lie upon the Table	321
RATHMINES AND RATHGAR URBAN DISTRICT COUNCIL.—Return ordered, of the following Papers in respect of the Rathmines and Rathgar Urban District Council, viz. : (1) The Auditor's Reports for the year ending the 31st day of March, 1905, and the 31st day of March, 1906 ; (2) written objections by Ratepayers, Messrs. O'Driscoll, Moran, O'Rattigan, and Sullivan to items in the account for the year 1906 ; (3) Auditor's Reasons for Decisions in respect of the same ; (4) terms of Appeal to Local Government Board by Mr. Sullivan ; (5) Local Government Board's Decision, No. 54,638, 1906 ; (6) any Correspondence on the matter between the Local Government Board and the Rathmines and Rathgar Urban District Council.—(<i>Mr. John O'Connor.</i>)	322
ADJOURNMENT MOTIONS UNDER STANDING ORDER NO. 10.—Return ordered, “ of Motions for Adjournment under Standing Order No. 10, showing the date of such Motion, the name of the Member proposing, the definite matter of urgent public importance, and the result of any Division taken thereon during Session 1906 (in the same form as, and in continuation of, Parliamentary Paper, No. 287, of Session 1905).”—(<i>Mr. Caldwell.</i>)	322

Dec. 12.]

CLOSURE OF DEBATE (STANDING ORDER No. 26).—Return ordered, “respecting application of Standing Order No. 26 (Closure of Debate) during Session, 1906, under the following heads:—

1.	2.	3.	4.	5.	6.	7.
Date when Closure moved.	By whom moved.	Question before House or Committee when moved	Whether in House or Committee.	Whether assent given to Motion or withheld by Speaker or Chairman.	Assent withheld because, in the opinion of the Chair, a decision would shortly be arrived at without that Motion.	Result of Motion and, if a Division, Numbers for and against.

(in continuation of Parliamentary Paper No. 288, of Session 1905).”—(*Mr. Caldwell.*) 322

DIVISIONS OF THE HOUSE.—Return ordered, “of the number of Divisions of the House in Session 1906, stating the subject of the Division, and the number of Members in the majority and minority, Tellers included; also, the aggregate number in the House on each Division; distinguishing the Divisions on Public Business from Private; and also the number of Divisions before and after midnight (in continuation of Parliamentary Paper, No. 0.198, of Session 1905).”—(*Mr. Caldwell.*) 323

PUBLIC BILLS.—Return ordered, “of the number of Public Bills, distinguishing Government from other Bills, introduced into this House, or brought from the House of Lords, during Session 1906; showing the number which received the Royal Assent; the number which were passed by this House, but not by the House of Lords; the number passed by the House of Lords, but not by this House; and distinguishing the stages at which such Bills as did not receive the Royal Assent were dropped or postponed and rejected in either House of Parliament (in continuation of Parliamentary Paper, No. 0.202, of Session 1905).”—(*Mr. Caldwell.*) 323

PUBLIC PETITIONS.—Return ordered, “of the number of Public Petitions presented and printed in Session 1906; with the total number of signatures in that year (in continuation of Parliamentary Paper, No. 0.200, of Session 1905).”—(*Mr. Caldwell.*) 323

SELECT COMMITTEES.—Return ordered, “of the number of select Committees appointed in Session 1906, including the Standing Committees and the Court of Referees; the subjects of inquiry; the names of the Members appointed to serve on each, and of the Chairman of each; the number of days each Committee met, and the number of days each Member attended; the total expense of the attendance of witnesses at each Select Committee, and the name of the member who moved for such Select Committee; also the total number of Members who served on Select Committees (in continuation of Parliamentary Paper, No. 0.199, of Session 1905).”—(*Mr. Caldwell.*) 323

SITTINGS OF THE HOUSE.—Return ordered, “ of the number of days on which the House sat in Session 1906, stating for each day the date of the month and day of the week, the hour of the meeting, and the hour of adjournment ; and the total number of hours occupied in the Sittings of the House, and the average time ; and showing the number of hours on which the House sat each day and the number of hours after midnight ; and the number of entries in each day’s Votes and Proceedings (in continuation of Parliamentary Paper, No. 0.201, of Session 1905).”—(<i>Mr. Caldwell.</i>)	324
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BUSINESS OF THE HOUSE (DAYS OCCUPIED BY GOVERNMENT AND BY PRIVATE MEMBERS).—Return ordered, “ showing, with reference to Session 1906, (1) the number of Sittings at which Government Business had precedence under the Standing Orders during the entire Sitting ; (2) the number of Sittings on Tuesdays and Wednesdays at which precedence was given before the 24th April to Government Business up till 7.30 p.m. and to Private Members’ Business at 9 p.m., and after that date at which precedence was given to Government Business up till 8.15 p.m., and to private Members at 8.15 p.m., and the number of sittings on Friday at which private Members had precedence under the Standing Orders ; (3) the number of Sittings at which Government Business was given precedence under a special order of the House during the entire Sitting ; (4) the number of Saturday Sittings ; (5) the total number of Sittings at which Government Business had precedence ; (6) the total number of days on which the House sat ; and (7) the number of days on which Business of Supply was considered (in continuation of Parliamentary Paper, No. 289, of Session 1905).”—(<i>Mr. Caldwell.</i>)	324
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PRIVATE BILLS AND PRIVATE BUSINESS.—Return ordered, “ of the number of Private Bills, Hybrid Bills, and Bills for confirming Provisional Orders introduced into the House of Commons and brought from the House of Lords, and of Acts passed in Session 1906, classed according to the following subjects :—Railways, Tramways, Tramroads, Subways, Canals and Navigations, Roads and Bridges, Water, Waterworks, Gas, Gas and Water, Lighting and Improvement, Police and Sanitary Regulations, Corporations, &c. (not relating to Police and Sanitary Regulations or to Lighting and Improvement Schemes) ; Ports, Piers, Harbours, and Docks ; Churches, Chapels and Burying Grounds ; Markets and Fairs ; Gaols and other County Buildings ; Inclosure and Drainage ; Estate ; Patent ; Divorce ; Naturalisation ; Hospitals, and Miscellaneous : Of all the Private Bills, Hybrid Bills, and Bills for confirming Provisional Orders which in Session 1906 have been reported on by Committee on Opposed Private Bills or by Committees nominated partly by the House and partly by the Committee of Selection, together with the names of the selected Members who served on each Committee ; the first and also the last day of the sitting of each Committee ; the number of days on which each Committee sat ; the number of days on which each selected Member has served ; the number of days occupied by each Bill in Committee ; the Bills the Preambles of which were reported to have been proved ; the Bill the Preambles of which were reported to have been not proved ; and, in the case of Bills for confirming Provisional Orders, whether the Provisional Orders ought or ought not to be confirmed : Of all Private Bills and Bills for confirming Provisional Orders, which, in Session 1906, have been referred by the Committee of Selection or by the General Committee on Railway and Canal Bills, to the Chairman of the Committee of Ways and Means, together with the names of the Members who served on each Committee ; the number of days on which each Committee sat ; and the number of days on which each Member	
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attended : And, of the number of Private Bills, Hybrid Bills, and Bills for confirming Provisional Orders withdrawn or not proceeded with by the parties, those Bills being specified which have been referred to Committee and dropped during the sittings of the Committee (in continuation of Parliamentary Paper, No. 0.197, of Session 1905.)"—(*Mr. Caldwell.*) .. 324

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NEW BILL.

Spurious Sports Bill.—"To amend The Wild Animals in Captivity Protection Act, 1900," presented by Sir Howard Vincent ; supported by Sir William Brampton Gurdon and Sir Frederick Banbury ; to be read a second time upon Monday next, and to be printed. [Bill 368.] 379

Education (England and Wales) Bill.—Order read, for resuming adjourned debate on Question proposed [11th December] on consideration of Lords Amendments, "That this House doth disagree with the Lords in the said Amendments."—(*Mr. Lough.*)

Question again proposed.

<i>Dr. Macnamara (Camberwell, N.)</i>	379
<i>Mr. Dillon (Mayo, E.)</i>	386
<i>Lord R. Cecil (Marylebone, E.)</i>	393
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<i>The President of the Board of Education</i> (Mr. Birrell, Bristol, N.)	456
<i>Mr. A. J. Balfour</i> (City of London)	465
<i>The Chancellor of the Exchequer</i> (Mr. Asquith, Forfarshire, E.)	466

Question put.

The House divided :—Ayes, 416 ; Noes, 107. (Division List No. 492)

Committee appointed to draw up Reasons to be assigned to the Lords for disagreeing to their Amendments to the Bill.

Committee nominated of, Mr. Attorney-General, Mr. Birrell, Sir Henry Campbell-Bannerman, Mr. Chancellor of the Exchequer, Sir Henry Fowler, Mr. Lloyd-George, and Mr. Lough.

Three to be the quorum.

To withdraw immediately.

PROCEDURE ON DIVISIONS.

Resolved, “ That (1) If the opinion of the Speaker or Chairman as to the decision of a Question is challenged he shall direct that the lobby be cleared. (2) After the lapse of two minutes from this direction he shall put the Question again, and, if his opinion is again challenged, he shall nominate tellers. (3) After the lapse of six minutes from this direction he shall direct that the doors giving access to the division lobbies be locked.”—(*Sir H. Campbell-Bannerman.*)

Motion made and Question proposed—“(1) A member may vote in a division although he did not hear the Question put. (2) A Member is not obliged to vote.”—(*Sir H. Campbell-Bannerman.*)

Mr. William Ruthe for 1 (Liverpool, West Derby) 473

The First Commissioner of Works (Mr. Harcourt, Lancashire, Rossendale) 475

Question put, and agreed to.

Resolved, “ That these Resolutions be Standing Orders of the House.”

Resolved, “ That Standing Orders 28, 29, and 90 be repealed.”—(*Sir Henry Campbell-Bannerman.*)

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Expiring Laws Continuance Bill.

Considered in Committee.

[Mr. EMMOTT in the Chair.]

Clause :—

Clause 1 agreed to.

Clause 2 agreed to.

Schedule :—

<i>Mr. Jowett (Bradford, W.)</i>	..	..	..	..	..	..	477
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Amendment proposed—

“To leave out, 3 and 4 Vict., c. 89. The Poor Rate Exemption Act.”

<i>Mr. Thompson (Somersetshire, E.)</i>	..	..	..	..	..	478
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<i>The President of the Local Government Board (Mr. John Burns, Battersea)</i>	..	..	..	..	..	479
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<i>Mr. Walter Long</i>	..	..	..	..	..	480
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<i>Mr. William Rutherford</i>	..	..	..	..	..	482
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Amendment, by leave, withdrawn.

<i>Mr. H. H. Marks (Kent, Thanet)</i>	..	..	..	..	..	483
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Amendment proposed—

“In page 4, line 9, after the words, ‘the whole Act,’ to insert the words ‘except Section 3 thereof.’”—(*Mr. H. H. Marks.*)

Question put, “That those words be there inserted.”

The Committee divided :—Ayes, 16 ; Noes, 241. (Division List No. 493.)

<i>Captain Craig (Down, E.)</i>	..	..	..	..	..	485
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Amendment proposed—

“In page 4, line 10, at the end, to insert the words :—‘44 and 45 Vict., c. 5 ; The Peace Preservation (Ireland) Act, 1881 ; The whole Act ; 49 and 50 Vict., c. 24 ; 50 and 51 Vic., c. 20.’”

Question proposed, “That those words be there inserted.”

<i>Mr. John Redmond (Waterford)</i>	..	..	..	..	..	494
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<i>Mr. T. L. Corbett (Down, N.)</i>	..	..	..	..	..	501
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<i>The Chief Secretary for Ireland (Mr. Bryce, Aberdeen, S.)</i>	..	..	..	..	504
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<i>Mr. Walter Long</i>	..	..	..	..	508
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Dec. 12.]

Question put.

The Committee divided :—Ayes, 28 ; Noes, 194. (Division List No. 494.)

<i>Mr. Lupton (Lincs., Sleaford)</i>	..	..	..	..	..	..	513
<i>Mr. Mooney (Newry)</i>	..	..	..	..	..	..	518

Amendment proposed—

“In the schedule, page 5, line 5, leave out the words ‘The Vaccination Act, 1898.’”—(*Mr. Lupton.*)

Question, “That the words proposed to be left out stand part,” put, and agreed to.

Schedule agreed to.

Bill reported, without Amendment ; read the third time, and passed.

NATIONAL GALLERIES OF SCOTLAND (EXPENSES).—Resolution reported, “That it is expedient to authorise the payment, out of moneys provided by Parliament of the cost of maintenance and repair of the National Gallery and other buildings in Scotland, and of all expenditure incurred in connection therewith under any Act of the present session to establish a board of trustees to manage the National Galleries of Scotland, and for other purposes ; and to authorise the charge on the Consolidated Fund of an annuity of two thousand pounds presently payable out of moneys provided by Parliament in pursuance of such Act.”

The Secretary for Scotland (Mr. Sinclair, Forfarshire) 519

Motion made, and question, “That this House doth agree with the Committee in the said Resolution,” put, and agreed to.

Land Tax Commissioners Bill.—As amended, considered ; read the third time, and passed 520

Telegraph Construction Bill.—Order for Second Reading read, and discharged—Bill withdrawn 520

Education (England and Wales) Bill.—Reason for disagreeing to the Lords Amendments reported, and agreed to.

To be communicated to the Lords.—(*Mr. Birrell.*) 520

Whereupon Mr. DEPUTY-SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at five minutes before Three o'clock, a.m.

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HOUSE OF LORDS: THURSDAY, 13TH DECEMBER, 1906

PRIVATE BILL BUSINESS.

Ure Elder Fund Order Confirmation Bill [H.L.]—Read 3 ^a (according to Order), and passed, and sent to the Commons	521
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RETURNS, REPORTS, ETC.

CHINA, No. 2 (1906).—Further correspondence relating to the decrees issued by the Chinese Government on 9th May, 1906, respecting the Chinese Imperial Maritime Customs	521
NAVY (DISTURBANCES AT PORTSMOUTH).—Admiralty Minute in regard to disturbances at Royal Naval Barracks, Portsmouth, on 4th and 5th November, 1906, and courts-martial and other questions arising thereon	52
GUNNERY.—Result of test of gunlayers with heavy guns in His Majesty's Fleet, 1906. Presented (by Command) and ordered to lie on the Table	521
MERCHANT SHIPPING ACT, 1894.—Order in Council, dated 1st December, 1906, confirming certain by-laws made by the Tyne Pilotage Commissioners for the River Tyne in substitution for the by-laws hitherto in force	521
MERCHANT SHIPPING ACT, 1894, AND MERCHANT SHIPPING (MERCANTILE MARINE FUND ACT), 1898.—Order in Council dated 1st December, 1906, further altering the scale of light dues to be levied under the Act of 1898	521
NAVAL AND MARINE PAY AND PENSION ACT, 1865.—Order in Council, dated 1st December, 1906, directing that any pay, half pay, &c., of officers of His Majesty's Navy or the Royal Marines may be abated to meet mess debts or other similar debts or liabilities	521
GENERAL LIGHTHOUSE FUND.—Account of the fund under the Acts, 57 & 58 Vict. and 61 & 62 Vict., showing the income and expenditure for the year ended 31st March, 1906	522
SUPERANNUATION.—Treasury Minute, dated 27th November, 1903, granting a retired allowance to Edward Aldridge, William Henry H. Butler, and Charles Gough, overseers and senior telegraphists, Central Telegraph Office, under Section 2 of the Superannuation Act, 1887.	
Laid before the House (pursuant to Act), and ordered to lie on the Table	522
Education (England and Wales) Bill .—Returned from the Commons with the Amendments disagreed to, together with a reason for such disagreement, the said reason to be printed and to be considered on Monday next. (No. 237.)	522
Land Tenure Bill .—House in Committee (according to Order).	

[The Earl of ONSLOW in the Chair.]

Clause 1 :—

Amendment moved—

“In page 1, line 19, to leave out the word ‘his,’ and to insert the word ‘a.’”—(*Earl Carrington.*)

On Question, Amendment agreed to.

Amendment moved—

“In page 1, line 24, after the word ‘holdings,’ to insert the word ‘England.’”—(*Earl Carrington.*)

The Duke of Northumberland 522

On Question, Amendment agreed to.

Drafting Amendment agreed to.

The Earl of Camperdown 523

The President of the Board of Agriculture and Fisheries (*Earl Carrington*) 524

Amendment moved—

“In page 1, line 26, to leave out the words ‘determined by,’ and to insert the words ‘referred to.’”—(*The Earl of Camperdown.*)

Amendment, by leave, withdrawn.

Viscount Galway 524

Amendment moved—

“In page 2, line 1, to leave out the word ‘shall,’ and to insert the word ‘may.’”—(*Viscount Galway.*)

Earl Carrington 525

Viscount St. Aldwyn 526

Lord Balfour of Burleigh 527

Amendment, by leave, withdrawn.

Amendment moved—

“In page 2, line 1, to leave out the words ‘notwithstanding any .. agreement to the contrary and.’”—(*The Earl of Camperdown.*)

Earl Carrington 527

On Question, Amendment agreed to.

Lord Heneage 528

Earl Carrington 528

The Duke of Northumberland 530

Lord Belper 530

Amendment, by leave, withdrawn.

<i>Viscount Hill</i>		531
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Amendment moved—

“In page 2, line 1, to leave out from the word ‘shall’ to the word ‘be’ in line 3, and insert the words ‘unless the parties agree to appoint their own arbitrator or arbitrators according to present usage.’”—(*Viscount Hill.*)

<i>Viscount St. Aldwyn</i>		532
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Amendment, by leave, withdrawn.

Drafting Amendment agreed to.

<i>Earl Fortescue</i>		532
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Amendment moved—

“In page 2, line 3, after the word ‘determined’ to insert the word ‘either.’”—(*Earl Fortescue.*)

<i>Earl Carrington</i>		532
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Amendment, by leave, withdrawn.

<i>Earl Carrington</i>		532
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Amendment moved—

“In page 2, line 6, after ‘1900’ to insert the words ‘and any sum awarded by such arbitrator to be paid, shall be recoverable in manner provided by the Agricultural Holdings (England) Acts, 1883 to 1900, or the Agricultural Holdings (Scotland) Acts, 1883 to 1900, for the recovery of compensation.’”—(*Earl Carrington.*)

<i>Viscount St. Aldwyn</i>		533
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On Question, Amendment agreed to.

Amendment moved—

“In page 2, line 6, after ‘1900’ to insert the words ‘provided that nothing in this section shall interfere with or prevent any contract or agreement between the landlord and tenant for an outgoing or other valuation.’”—(*The Earl of Camperdown.*)

On Question, Amendment agreed to.

<i>Lord Knaresborough</i>		533
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Amendment moved—

“In page 2, line 6, after ‘1900,’ to insert the following new subsection :—(3) Any award made under this Act shall, on the application of either party, specify the amount awarded in respect of any particular improvement or improvements or matter or matters to which the award relates.”—(*Lord Knaresborough.*)

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Page

<i>Earl Carrington</i>	535
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On Question, Amendment agreed to.

Moved, "That Clause 1, as amended, stand part of the Bill."—(*Earl Carrington.*)

<i>The Duke of Northumberland</i>	535
<i>Earl Carrington</i>	536
<i>Earl Egerton</i>	536
<i>The Duke of Northumberland</i>	536

Clause 1, as amended, agreed to

Clause 2 :—

<i>Earl Carrington</i>	537
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Amendments moved—

"In page 2, line 8, to leave out the words 'that neither he nor' and to insert the words 'the right to kill and take which is vested neither in him nor in,' and in line 9, to leave out the words 'has the lawful right to kill.'"—(*Earl Carrington.*)

On Question, Amendments agreed to.

<i>Lord Redesdale</i>	537
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Amendment moved—

"In page 2, line 10, to leave out the words 'his landlord' and to insert the words 'person in whom the right to kill game is vested.'"—(*Lord Redesdale.*)

<i>Earl Carrington</i>	538
<i>Viscount St. Aldwyn</i>	539
<i>Lord Redesdale</i>	540

Amendment, by leave, withdrawn.

<i>Earl Carrington</i>	540
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Amendment moved—

"In page 2, line 19, to leave out the words 'intention to make a,' and to insert the word 'the.'"—(*Earl Carrington.*)

<i>The Earl of Camperdown</i>	540
<i>Lord Hylton</i>	540
<i>Lord Heneage</i>	540
<i>Earl Carrington</i>	540

On Question, Amendment agreed to.

Dec. 13.]

Amendment moved—

“ In page 2, line 20, after the word ‘ landlord,’ to insert the words ‘ as soon as may be after the damage was first observed by the tenant and.’ ”—(*Earl Carrington.*)

On Question, Amendment agreed to.

Amendment moved—

“ In page 2, line 22, after the word ‘ raised ’ to insert the words ‘ or where the crop is intended to be consumed without being reaped or raised, at least three weeks before the crop is begun to be consumed.’ ”
—(*Earl Carrington.*)

On Question, Amendment agreed to.

Drafting Amendments agreed to.

Lord Hylton 543

Amendment moved—

“ In page 2, line 26, after the word ‘ made,’ to insert the words ‘ and unless notice of the damage has been given to the landlord as soon as it commenced.’ ”—(*Lord Hylton.*)

The Lord Privy Seal (The Marquess of Ripon) 544
The Duke of Northumberland 544
Viscount St. Aldwyn 544

On Question, Amendment negatived.

The Duke of Northumberland 545

Amendment moved—

“ In page 2, line 28, after the word ‘ tenancy,’ to insert the word ‘ whether ’ and after the word ‘ before,’ to insert the words ‘ or after.’ ”
(*The Duke of Northumberland.*)

The Earl of Pembroke 545

Amendment moved—

“ In page 2, line 31, to leave out the words ‘ to an agreed amount.’ ”
—(*The Earl of Pembroke.*)

Earl Carrington 546
Lord Burghclere 547

Amendment moved—

“ To insert the following proviso—‘ Provided that in the case of a contract of tenancy current at the commencement of this Act such a deduction as aforesaid shall be made whether the allowance was an

agreed amount or not, and whether the allowance was expressly made or not, and, for the purpose of this proviso, a tenancy from year to year shall be deemed to continue until the first day on which either the landlord or the tenant by giving notice could immediately after the commencement of this Act have caused the tenancy to determine.”—
(*Earl Carrington.*)

On Question, Amendment agreed to.

Drafting Amendments agreed to.

Amendment moved—

“In page 2, line 35, after the word ‘kill,’ to insert the words ‘and take the.’”—(*Earl Carrington.*)

<i>Lord Zouche of Haryngworth</i>	..	..	..	..	..	..	..	549
<i>Earl Carrington</i>	..	..	..	..	..	..	..	549
<i>The Earl of Denbigh</i>	..	..	..	..	..	..	..	549
<i>Lord Belper</i>	..	..	..	..	..	..	..	550

Amendment, as amended, agreed to.

Drafting Amendment agreed to.

Amendment moved—

In page 2, line 41, after the word ‘game,’ to insert: ‘The expression “year” means the calendar year or such other period of twelve months as may be agreed between the landlord and the tenant.’”—
(*Earl Carrington.*)

<i>The Earl of Camperdown</i>	..	..	..	..	..	..	..	550
<i>Earl Carrington</i>	..	..	..	..	..	..	..	550

Amendment, by leave, withdrawn.

Clause 2, as amended, agreed to.

Clause 3:—

<i>The Earl of Galloway</i>	..	..	..	..	..	..	..	550
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Amendment moved—

“In page 3, line 1, to leave out the word ‘notwithstanding’ and to insert the words ‘except in the case of.’”—(*The Earl of Galloway.*)

<i>Earl Carrington</i>	..	..	..	..	..	..	..	553
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Amendment put, and negatived.

Amendment moved—

“In page 3, line 3, to leave out the words ‘of arable land.’”—
(*The Earl of Camperdown.*)

<i>Lord Tweedmouth</i>	554
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On Question, Amendment agreed to.

<i>Lord Balfour of Burleigh</i>	554
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Amendment moved—

“In page 3, line 5, after the word ‘and,’ to insert the words ‘consistent with the rules of good husbandry.’”—(*Lord Balfour of Burleigh*.)

<i>Lord Heneage</i>	556
<i>Earl Carrington</i>	557
<i>The Marquess of Lansdowne</i>	558
<i>The Earl of Portsmouth</i>	559
<i>The Marquess of Londonderry</i>	560
<i>The Duke of Richmond and Gordon</i>	560

Amendment, by leave, withdrawn.

Amendment moved—

“In page 3, line 5, after the word ‘land’ to insert the words ‘generally recognised in the district as good husbandry in respect of land of a like character.’”—(*Lord Balfour of Burleigh*.)

<i>Earl Carrington</i>	561
<i>Lord Belper</i>	562
<i>The Marquess of Ripon</i>	562
<i>Lord Balfour of Burleigh</i>	563

On Question, “That those words be there inserted,” their Lordships divided :
—Contents, 152 ; Not-Contents, 39.

Amendment moved—

“In page 3, line 7, to leave out the words ‘contained in any such contract of tenancy or agreement.’”—(*Earl Carrington*.)

On Question, Amendment agreed to.

Amendment moved—

“In lines 8 and 9, to leave out the words ‘shall previously have made or as soon as may be shall make,’ and insert, ‘from time to time and as soon as may be makes.’”—(*Earl Carrington*.)

<i>Earl Carrington</i>	565
<i>Earl of Camperdown</i>	565
<i>Viscount St. Aldwyn</i>	565

Amendment, by leave, withdrawn.

<i>The Earl of Camperdown</i>	567
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Amendment moved—

“In line 9, after the word ‘provision’ to insert the words ‘in accordance with the custom of the country or the provisions of the contract of tenancy.’”—(*The Earl of Camperdown.*)

Earl Carrington 567

Amendment, by leave, withdrawn.

Amendment moved—

“In page 3, lines 10 and 11, to leave out the words ‘and provided also that he shall return to the holding as soon as may be,’ and insert ‘which provision shall in the case of disposal of the produce of the holding consist in the return to the holding of.’”—(*Earl Carrington.*)

On Question, Amendment agreed to.

Earl Carrington 568

Amendment moved—

“In page 3, line 12, after the word ‘holding’ to insert the words ‘in contravention of the custom, contract or agreement.’ Provided that this subsection shall not apply—(a) in the case of a tenancy from year to year, as respects the year before the tenant quits the holding or any period after he has given or received notice to quit which results in his quitting the holding; or (b) in any other case, as respects the year before the expiration of the contract of tenancy.”—(*Earl Carrington.*)

The Earl of Camperdown 569

The Duke of Richmond and Gordon 570

Amendment moved to the proposed Amendment—

“In sub-section (b) to leave out the word ‘year,’ and insert the words ‘last four years.’”—(*The Duke of Richmond.*)

Lord Hylton 570

Earl Carrington 571

Lord Saltoun 571

Viscount St. Aldwyn 572

On Question, “That the word ‘year’ stand part of the proposed Amendment,” their Lordships divided:—Contents, 36; Not-Contents, 112.

Proposed words inserted.

Amendment, as amended, agreed to.

Earl Carrington 574

Amendment moved—

“In page 3, line 15, after ‘shall,’ to insert ‘without prejudice to any other remedy that may be open to him.’”—(*Earl Carrington.*)

On Question, Amendment agreed to.

<i>Lord Byron</i>	574
<i>Lord Hylton</i>	576
<i>Earl Carrington</i>	576
<i>Earl of Camperdown</i>	576
<i>Viscount St. Aldwyn</i>	576

On Question, Amendment agreed to.

<i>Lord Balfour of Burleigh</i>	577
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Amendment moved—

“In page 3, line 27, after the word ‘used’ to insert the words ‘or in respect of other provision made for the purpose of complying with this section.’”—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

<i>Lord Balfour of Burleigh</i>	578
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Amendment moved—

“In page 3, line 27, after ‘used,’ to insert the words ‘(5) In the application of this section to Scotland the expression ‘arable land’ shall not include land in grass, which by the terms of any contract of tenancy, is to be retained in the same condition throughout the tenancy.’”—(*Lord Balfour of Burleigh.*)

<i>The Earl of Camperdown</i>	578
<i>Earl Carrington.</i>	579

On Question, Amendment, as amended, agreed to.

<i>The Earl of Wemyss</i>	579
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Amendment moved—

“In page 3, line 27, after the word ‘used’ to insert the following new subsection :—‘(4) To ensure the protection of the holding, the tenant shall keep a record of the course of cropping in every year, and shall furnish a copy of such record to that landlord or his agent duly authorised in that behalf yearly at Michaelmas. On any change of tenancy the outgoing tenant shall furnish to the landlord, or his agent authorised as aforesaid, such vouchers, books and documents as may be necessary to prove what manures and feeding stuffs have been bought and used upon the holding during the previous five years, and also what home-grown produce has been consumed thereon during that period.’”—(*The Earl of Wemyss.*)

<i>Earl Carrington</i>	580
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On Question, Amendment agreed to.

Drafting Amendment agreed to.

Amendment moved—

“To leave out sub-section (4).”

On Question, Amendment agreed to.

Lord Clinton 581

On Question, Clause 3, as amended, agreed to.

Clause 4 :—

Earl Egerton 581

Amendment moved—

“In page 3, to leave out from line 35 to end of line 8 on page 4, and insert the words ‘A tenant, except as is hereinafter provided, shall not be entitled to compensation for disturbance after receiving notice from the landlord, upon quitting the holding, in addition to the compensation, if any, to which he may be entitled in respect of improvements. Provided that—(a) where the landlord has demanded an increase of rent, and that such increase of rent was demanded by reason of an increase in the value of the holding due to improvements executed by the tenant, and from which he has not either directly or indirectly received an equivalent from the landlord, and in consequence of that demand has given notice to quit; (b) Where the tenant has executed repairs or improvements in the farm or buildings which are by custom or covenanted by agreement to be carried out by the landlord for the proper cultivation or working of the holding, and which the landlord has failed to execute within a reasonable time after receiving due notice, the tenant shall be entitled to compensation for the loss he sustains or expense which he has incurred in consequence of any such outlay on his farm or buildings, and for which he has not received any adequate return or compensation by the landlord.’”—(*Earl Egerton.*)

Lord Clonbrock 584

Earl Carrington 584

Viscount St. Aldwyn 587

The Duke of Northumberland 590

The Marquess of Salisbury 591

Amendment, by leave, withdrawn.

Lord Ribblesdale 595

Amendment moved—

“In page 3, line 36, to leave out the words ‘and for reasons inconsistent with good estate management.’”—(*Lord Ribblesdale.*)

The Earl of Portsmouth 596

On Question, Amendment negatived.

Viscount St. Aldwyn 598

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Amendment moved—

“In page 3, line 37, after the word ‘terminates’ to insert the words ‘by notice to quit.’”—(*Viscount St. Aldwyn.*)

Lord Falfour, of Burleigh 598

On Question, Amendment agreed to.

Earl Carrington 598

Amendment moved—

“In page 3, line 37, after the first ‘or,’ to insert the words ‘after having been requested in writing at least six months before the expiration of the tenancy to grant a renewal of the tenancy,’ and leave out the words ‘grant a renewal of the tenancy’ and insert the words ‘do so.’”—(*Earl Carrington.*)

The Marquess of Winchester 598

The Earl of Camperdown 599

Amendment, by leave, withdrawn.

Lord Hylton 599

Amendment moved—

“In page 3, line 37, after the word ‘tenancy’ to insert the words ‘to the sitting tenant.’”—(*Lord Hylton.*)

Viscount St. Aldwyn 600

On Question, Amendment negatived.

Earl Carrington 600

Amendments moved—

“In page 3, line 38, to leave out the second ‘is’ and to insert the words ‘has been.’”

“In line 39, to leave out the words ‘as the result of’ and insert the words ‘and that such increase was demanded by reason of an increase in the value of the holding due to.’”

“In lines 39 and 40, to leave out the words ‘effected at the cost of such’ and insert the words ‘executed by or at the cost of the.’”—(*Earl Carrington.*)

The Earl of Camperdown 601

Viscount Galway 601

Amendment moved—

“ In page 4, line 5, to leave out the words ‘ loss or. ’ ”—(*Viscount Galway.*)

<i>The Earl of Yarborough</i>	..	..	..	..	..	..	602
<i>The Earl of Portsmouth</i>	..	..	..	..	..	..	602
<i>The Marquess of Londonderry</i>	..	..	..	..	..	..	603
<i>Lord Saltoun</i>	..	..	..	..	..	..	604
<i>Earl Carrington</i>	..	..	..	..	..	..	604
<i>The Earl of Camperdown</i>	..	..	..	..	..	..	605
<i>Lord Heneage</i>	..	..	..	..	..	..	606
<i>Viscount St. Aldwyn</i>	..	..	..	..	..	..	607
<i>Lord Burghclere</i>	..	..	..	..	..	..	608
<i>Lord Stanley of Alderley</i>	..	..	..	..	..	..	608
<i>Earl Carrington</i>	..	..	..	..	..	..	609
<i>Viscount Galloway</i>	..	..	..	..	..	..	609

Amendment, by leave, withdrawn.

Amendments moved—

“ In page 4, line 5, after the word ‘ expense ’ to insert the words ‘ directly, attributable to his quitting the holding. ’ ”

“ In line 6, leave out the words ‘ by reason of his quitting the holding sustains or incurs ’ and insert the words ‘ may unavoidably incur. ’ ”
—(*Earl Carrington.*)

On Question, Amendments agreed to.

<i>Earl Fortescue</i>	..	..	..	..	..	..	609
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Amendment moved—

“ In page 4, line 7, after the word ‘ his ’ to insert the word ‘ household. ’ ”—(*Earl Fortescue.*)

<i>Earl Carrington</i>	..	..	..	..	..	..	610
<i>The Duke of Northumberland</i>	..	..	..	..	..	..	610
<i>Earl Fortescue</i>	..	..	..	..	..	..	611

On Question, Amendment agreed to.

Amendment moved—

“ In page 4, line 8, after the word ‘ implements ’ to insert the words ‘ of husbandry. ’ ”—(*Earl Fortescue.*)

On Question, Amendment agreed to.

<i>The Earl of Yarborough</i>	..	..	..	..	..	..	611
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Page

Amendment moved—

“In page 4, line 8, after ‘implements’ to insert the words ‘this section shall only apply to a holding with a house on it in which the tenant actually resides.’”—(*The Earl of Yarborough.*)

<i>Earl Carrington</i>	..	..	..	..	..	..	..	612
<i>Viscount St. Aldwyn</i>	..	..	..	..	..	..	..	612

Amendment, by leave, withdrawn.

Amendment moved—

“In page 4, line 8, after the word ‘or’ to insert the word ‘farm.’”
(*Earl Fortescue.*)

On Question, Amendment agreed to.

<i>Lord Saltoun</i>	..	..	..	..	..	..	..	613
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Amendment moved—

“In page 4, line 8, after the word ‘stock’ insert the words ‘to a distance of thirty miles from his holding.’”—(*Lord Saltoun.*)

<i>Earl Carrington</i>	..	..	..	..	..	..	..	614
<i>Lord Saltoun</i>	..	..	..	..	..	..	..	614
<i>Earl Carrington</i>	..	..	..	..	..	..	..	614
<i>Lord Monk Bretton</i>	..	..	..	..	..	..	..	614
<i>The Duke of Northumberland</i>	..	..	..	..	..	..	..	614
<i>The Marquess of Ripon</i>	..	..	..	..	..	..	..	615
<i>The Marquess of Lansdowne</i>	..	..	..	..	..	..	..	615

Amendment, by leave, withdrawn.

<i>The Duke of Northumberland</i>	..	..	..	..	..	..	616
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Amendment moved—

“In page 4, line 8, after the word ‘stock’ to insert the following new paragraphs: ‘Provided as follows—That within fourteen days after receiving a notice to quit or a refusal to renew the tenant if he alleges that he will, under the provisions of this section become entitled to compensation on quitting the holding, shall notify the same in writing to the landlord, and either party may within fourteen days thereafter take proceedings to have the matter determined and the rights declared by a Judge of the High Court in an action for that purpose. Incases where neither the value of the premises nor the rent payable in respect thereof shall have exceeded one hundred pounds by the year, and upon which no fine or premium shall have been duly paid, either party may apply to the Judge of the County Court of the district in which the premises are situate for a declaration of the rights of the parties in respect of the matter to be determined by the Court under this section whose decision therein shall be final, subject to an appeal to a Divisional Court of the High Court of Justice, and such application shall

be deemed to be an action or matter within Section 67 of the County Courts Act, 1888, relating to Jurisdiction in Equity. The Court, in any case, and at any time, may allow the withdrawal of a notice to quit or refusal to renew upon such terms as to costs or otherwise as it may deem fit.”—(*The Duke of Northumberland.*)

<i>Lord Zouche of Haryngworth</i>	..	..	..	..	..	..	618
<i>Viscount St. Aldwyn</i>	..	..	..	..	..	..	618
<i>Earl Carrington</i>	..	..	..	..	..	..	619
<i>The Marquess of Lansdowne</i>	..	..	..	..	..	..	620
<i>Viscount St. Aldwyn</i>	..	..	..	..	..	..	620
<i>The Earl of Camperdown</i>	..	..	..	..	..	..	621
<i>The Duke of Northumberland</i>	..	..	..	..	..	..	621

Amendment, by leave, withdrawn.

<i>The Earl of Plymouth</i>	..	..	..	..	..	..	621
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Amendment moved—

“In page 4, line 8, after the word ‘stock’ to insert: ‘Provided that a claim for compensation under this section shall not be sustainable in respect of any household goods, implements, produce, or stock which the landlord offers in writing at least one month before the expiration of the contract of tenancy to take at a valuation.’”—(*The Earl of Plymouth.*)

<i>Earl Carrington</i>	..	..	..	..	..	..	622
<i>Viscount St. Aldwyn</i>	..	..	..	..	..	..	622

Amendment, by leave, withdrawn.

<i>Lord Balfour of Burleigh</i>	..	..	..	..	..	..	622
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Amendment moved—

“In page 4, line 11, after the word ‘arbitration’ to insert the words ‘This section shall not apply to Scotland.’”—(*Lord Balfour of Burleigh.*)

<i>Earl Carrington</i>	..	..	..	..	..	..	624
<i>Viscount St. Aldwyn</i>	..	..	..	..	..	..	626

On Question, Amendment negatived.

<i>Lord Saltoun</i>	..	..	..	..	..	..	626
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Amendment moved—

“In page 4, line 11, after the word ‘arbitration’ to insert the words, ‘This section shall not apply to leases of nineteen years or longer duration.’”—(*Lord Saltoun.*)

<i>Viscount St. Aldwyn</i>	..	..	..	..	..	..	626
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On Question, Amendment agreed to.

<i>The Earl of Lytton</i>	..	..	..	..	..	..	627
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Amendment moved—

“ In page 4, line 11, after the word ‘arbitration’ to insert the words ‘ Provided that this section shall not apply where the tenant with whom the contract of tenancy was made has died within three months before the date of the notice to quit or in the case of a lease for years has died before the refusal to grant a renewal.’ ”—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Amendment moved—

“ In page 4, line 11, after the word ‘arbitration’ to insert as a new subsection ‘ (2) A claim for compensation under this section shall not be made after the expiration of three months from the time at which the tenant quits the holding.’ ”—(*Earl Carrington.*)

Viscount St. Aldwyn.. .. . 628

Amendment, by leave, withdrawn.

Amendment moved—

“ In page 4, line 11, after ‘arbitration’ to insert as a new subsection (3) Any question arising under this section as to whether a reason was inconsistent with good estate management shall, for the purposes of the provisions as to arbitration relating to the statement of a case, be deemed to be a question of law.”—(*Earl Carrington.*)

On Question, Amendment agreed to.

The Marquess of Winchester 628

Amendment moved—

“ In page 4, line 11, after ‘arbitrators’ to insert the words ‘ And in cases of claims under this section for loss on sale, the arbitrator shall take into consideration whether that sale has been *bona fide* and has been properly advertised.’ ”—(*The Marquess of Winchester.*)

Amendment, by leave, withdrawn.

Drafting Amendment agreed to.

On Question, Clause 4, as amended, agreed to.

Clause 5 agreed to.

Clause 6 :—

Viscount Hill 629

Amendment moved—

“ In page 4, line 26, after the word ‘intention’ to insert the words ‘ together with plans of such repairs.’ ”—(*Viscount Hill.*)

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Page

Earl Carrington 630

Amendment, by leave, withdrawn.

Earl Fortescue 630

Amendment moved—

“In page 4, line 28, after the word ‘notice’ to insert the words ‘and shall if the landlord fails to execute the repairs give him notice in writing of the date at which they will be executed.’”—(*Earl Fortescue.*)

Earl Carrington 630

Amendment, by leave, withdrawn.

Clause 6 agreed to.

Clause 7 :—

Amendment moved—

“In page 4, line 31, after the word ‘fences’ to insert the word ‘gates.’”—(*The Earl of Lytton.*)

On Question, Amendment agreed to.

Amendment moved—

“In page 4, line 31, after the word ‘roads’ to insert the word ‘gates,’ and after the word ‘drains’ to insert the word ‘ditches.’”—(*Earl Carrington.*)

On Question, Amendment agreed to.

The Earl of Lytton 631

Amendment moved—

“In page 4, line 31, after the word ‘drains,’ to insert the words ‘other than field drains.’”—(*The Earl of Lytton.*)

On Question, Amendment negatived.

Amendment moved—

“In page 4, line 32, after the word ‘made’ to insert the words ‘within six months after the commencement of the tenancy.’”—(*The Earl of Camperdown.*)

Earl Carrington 631

The Earl of Camperdown 632

On Question, Amendment, as amended, agreed to.

Amendment moved—

“In line 35, after the word ‘proportions’ insert the words ‘where such record has been made either party at any time during the tenancy may require the entry thereon at his own cost, if any, of improvements made or depreciation having occurred (other than depreciation from fair wear and tear) in the condition of the buildings, fences, roads, drains, and cultivation of the holding.’”—(*The Earl of Camperdown.*)

Earl Carrington 632

Amendment, by leave, withdrawn.

On Question, Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9 :—

On Question, Clause 9 disagreed to.

Clause 10 :—

On Question, Clause 10 disagreed to.

Clause 11 :—

Amendment moved—

“In page 5, line 6, to leave out the word ‘eight’ and insert the word ‘nine.’”—(*The Duke of Northumberland.*)

Earl Carrington 633

The Duke of Northumberland 633

Viscount St. Aldwyn 634

The Marquess of Ripon 634

The Earl of Camperdown 634

Lord Redesdale 635

On Question, Amendment agreed to.

Lord Saltoun 635

Amendment moved—

“In page 5, line 6, after the word ‘eight’ to insert the words ‘and in its application to Scotland on the first term day thereafter.’”—(*Lord Saulton.*)

Earl Carrington 635

On Question, Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12 :—

Amendment moved—

“ In page 5, line 8, after the word ‘ and ’ insert the words ‘ shall be read and construed and.’ ”—(*Earl Carrington.*)

On Question, Amendment agreed to.

Clause 12, as amended agreed to.

Standing Committee negatived.

The Report of Amendments to be received on Wednesday next, and the Bill to be printed as amended. (No. 238).

Street Betting Bill [H.L.].—Commons Amendments considered (according to order), and agreed to 637

Burials Bill ; Removal of Offensive Matter Bill.—Read 2^a (according to order), and committed to a Committee of the Whole House on Monday next 637

Expiring Laws Continuance Bill. [No. 239] ; **Land Tax Commissioners Bill,** [No. 240].—Brought from the Commons ; read 1^a, and to be printed 637

Workmens Compensation Bill.—Brought from the Commons ; read 1^a ; to be printed ; and to be read 2^a To-morrow ; (*Earl Beauchamp.*) (No. 241.) 637

Education (Provision of Meals) Bill.—Brought from the Commons ; read 1^a ; and to be printed. (No. 242.) — 637

House adjourned at One o'clock a.m., till Eleven o'clock a.m.

HOUSE OF COMMONS : THURSDAY, 13TH DECEMBER, 1906.

The House met at quarter before Three of the clock.

PRIVATE BILL BUSINESS.

Falkirk and District Tramways (Extension) Order Confirmation Bill.—Considered ; An Amendment made. Bill to be read the third time To-morrow 637

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DOGS (PROTECTION) BILL.—Petitions in favour : From Belfast and other parts of Ireland ; Birmingham and other places ; Chatham and other places ; Guildford and other places in Surrey ; Lancashire and Cheshire ; London and other places ; Midland Counties ; Scotland ; Southsea and other places ; and Wales ; to lie upon the Table 637

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TEACHERS' PENSIONS.—Petition from Leeds, for alteration of Law ; to lie upon the Table	637

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MERCHANT SHIPPING ACT, 1894, AND MERCHANT SHIPPING (MERCANTILE MARINE FUND) ACT, 1898.—Copy presented, of Order in Council, dated 1st December, 1906, further altering the Scale of Light Dues to be levied under the Act of 1898 [by Act] ; to lie upon the Table	638
NAVAL AND MARINE PAY AND PENSIONS ACT, 1865.—Copy presented, of Order in Council, dated 1st December, 1906, directing that any Pay, Half-Pay, etc., of Officers of His Majesty's Navy or the Royal Marines may be abated to meet Mess Debts or other similar debts or liabilities [by Act] ; to lie upon the Table	638
GENERAL LIGHTHOUSE FUND.—Account presented, of the General Lighthouse Fund, showing the Income and Expenditure for the year ended 31st March, 1906 [by Act] ; to lie upon the Table, and to be printed. [No. 377.] ..	638
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CHINA (No. 2, 1906).—Copy presented, of Further Correspondence respecting the Decree issued by the Chinese Government on 9th May, 1906, respecting the Chinese Imperial Maritime Customs [by Command] ; to lie upon the Table	638
STANDING ORDERS.—Ordered, That the Standing Orders, as amended, be printed. [No. 378.]	638

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Land Values Taxation, etc. (Scotland) Bill.—Reported, without Amendment, from the Select Committee, with Minutes of Evidence.	

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Special Report brought up, and read.

Report and Special Report to lie upon the Table, and to be printed.
[No. 379.] 692

POST OFFICE SERVANTS.—Report from the Select Committee, with Minutes of Evidence, brought up, and read [Inquiry not completed].

Report to lie upon the Table and to be printed. [No. 380.] .. . 693

HOUSE OF COMMONS (KITCHEN AND REFRESHMENT ROOMS.—Report from the Select Committee, brought up, and read.

Report to lie on the Table and to be printed. [No. 381.] .. . 693

NEW BILLS.

Probation of Offenders Bill.—"To permit the release of Offenders on Probation in certain cases," presented by Mr. Secretary Gladstone; to be read a second time upon Monday next, and to be printed. [Bill 369] .. 693

Workmen's Compensation Bill.—[THIRD READING.]—Order for the Third Reading read.

The Secretary of State for the Home Department (Mr. Gladstone, Leeds, W.) 693

Motion made, and Question proposed, "That the Bill be now read the third time."—(Mr. Gladstone.)

<i>Mr. Akers-Douglas (Kent, St. Augustine)</i>	..	..	..	..	695
<i>Mr. H. J. Tennant (Berwickshire)</i>	..	..	..	..	699
<i>Mr. Gill (Bolton)</i>	..	..	..	..	701
<i>Sir Charles Dilke (Gloucestershire, Forest of Dean)</i>	..	..	..	..	704
<i>Mr. J. Williams (Glamorganshire, W.)</i>	..	..	..	..	705
<i>Mr. Hugh Law (Donegal, W.)</i>	..	..	..	..	706
<i>Mr. Joseph Walton (Yorks, W.R., Barnsley)</i>	..	..	..	..	707
<i>Mr. Rees (Montgomery Boroughs)</i>	..	..	..	..	708
<i>Mr. John O'Connor (Kildare, N.)</i>	..	..	..	..	709
<i>Mr. Chiozza Money (Paddington, N.)</i>	..	..	..	..	711
<i>Mr. Carlisle (Herts, St. Albans)</i>	..	..	..	..	714
<i>The Under-Secretary of State for the Home Department (Mr. Herbert Samuel (York, Cleveland))</i>	..	..	..	..	716
<i>Mr. Keir Hardie (Merthyr Tydvil)</i>	..	..	..	..	719
<i>Sir Charles Schwann (Manchester, N.)</i>	..	..	..	..	720
<i>Mr. T. F. Richards (Wolverhampton, W.)</i>	..	..	..	..	72

Question put, and agreed to.

Bill read the third time, and passed.

Education (Provision of Meals) Bill.—As amended, considered.

<i>Sir Frederick Banbury (City of London)</i>	..	..	..	..	722
<i>Mr. Bowles (Lambeth, Norwood)</i>	..	..	..	..	724

Amendment proposed to the Bill—

“ In page 1, line 5, to leave out Clause 1.”—(*Sir Frederick Banbury.*)

Question proposed, “ That the words proposed to be left out, to the word ‘ take,’ in line 6, stand part of the Bill.”

<i>The Parliamentary Secretary to the Board of Education (Mr. Lough, Islington, W.)</i>	726
<i>Sir William Anson (Oxford University)</i>	727
<i>Mr. Bridgeman (Shropshire, Oswestry)</i>	728
<i>Dr. Macnamara (Camberwell)</i>	729
<i>Mr. Hunt (Shropshire, Ludlow)</i>	729
<i>Sir Francis Powell (Wigan)</i>	730

Amendment negatived.

<i>Sir Frederick Banbury</i>	730
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Amendment proposed to the Bill—

“ In page 1, lines 9 and 10, to leave out the words, ‘ on which the authority are represented.’ ”—(*Sir Frederick Banbury.*)

Question proposed, “ That the words proposed to be left out stand part of the Bill.”

<i>Mr. Lough</i>	731
<i>Lord Balcarres (Lancashire, Chorley)</i>	731

Amendment negatived.

<i>Mr. Lane Fox (Yorkshire, W.R., Barkston Ash)</i>	731
<i>Sir Frederick Banbury</i>	732

Amendment proposed to the Bill—

“ In page 1, line 20, after the word ‘ charged ’ to insert the words ‘ by prepayment.’ ”—(*Mr. Lane-Fox.*)

Question proposed, “ That those words be there inserted in the Bill.”

<i>Mr. Lough</i>	733
<i>Sir Francis Powell</i>	733
<i>Lord Balcarres</i>	734

Question put and negatived.

<i>Mr. Hart Davies (Hackney, N.)</i>	734
<i>Mr. Cave (Surrey, Kingston)</i>	734

Amendment proposed to the Bill—

“ In line 22, after the word ‘ meal,’ to insert ‘ the expense attending the serving of such meal.’ ”—(*Mr. Hart Davies.*)

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<i>Mr. Lough</i>	735
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Amendment, by leave, withdrawn.

<i>Mr. Fell (Great Yarmouth)</i>	735
<i>Mr. Cave</i>	736

Amendment proposed to the Bill—

“ In page 1, line 22, after the word ‘ amount,’ to insert the words (not being less than the estimated cost to the authority of providing, preparing and serving such meal.) ’ ”—(*Mr. Cave.*)

Question proposed, “ That those words be there inserted in the Bill.”

<i>Mr. Lough</i>	737
<i>Mr. Bridgeman</i>	737
<i>Sir W. J. Collins (St. Pancras, W.)</i>	739
<i>Mr. Arthur Henderson (Durham, Barnard Castle)</i>	740
<i>Sir William Anson</i>	741
<i>Mr. Harold Cox (Preston)</i>	741
<i>Mr. Gwyn (Galway)</i>	742
<i>Sir Frederick Banbury</i>	742

Question put.

The House divided :—Ayes, 27 ; Noes, 251. (Division List No. 495.)

Amendment proposed to the Bill—

“ In page 1, line 23, to leave out the word ‘ such.’ ”—(*Mr. Lough.*)

Amendment agreed to

<i>Mr. Bowles</i>	745
<i>Sir Frederick Banbury</i>	746

Amendment proposed to the Bill—

“ In page 1, line 23, after the word ‘ parent,’ to insert the words ‘ within a period to be prescribed by the local education authority and set forth by them on the statement of account.’ ”—(*Mr. Bowles.*)

Question proposed, “ That those words be there inserted in the Bill.”

<i>Mr. Lough</i>	747
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Question put, and negatived

<i>Mr. Bowles</i>	747
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Amendment proposed to the Bill—

“ In page 2, line 2, after the word ‘ amount’ to insert the words, ‘ or that the meal has been furnished without his authority and consent.’ ”—(*Mr. Bowles.*)

Question proposed, “ That those words be there inserted in the Bill.”

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<i>Mr. Lough</i>	747
<i>Sir Francis Powell</i>	747
<i>Mr. Herbert (Bucks, Wycombe)</i>	748
<i>Sir Frederick Banbury</i>	748
<i>Dr. Macnamara</i>	749
<i>Mr. Cave (Surrey, Kingston)</i>	749

Amendments, by leave, withdrawn.

Amendments proposed to the Bill—

“In page 2, line 7, to leave out the word ‘represents,’ and insert the words ‘may be determined by the authority to represent.’”

“In page 2, line 8, at the end, to insert the words ‘less a reasonable deduction in respect of the expenses of recovering the same.’”—
(*Mr. Cave.*)

Amendments agreed to.

<i>Sir Frederick Banbury</i>	750
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Amendment proposed—

“In page 2, line 9, to leave out Clause 3.”—(*Sir Frederick Banbury.*)

Question proposed, “That the words proposed to be left out, to the word ‘resolve,’ in line 9, stand part of the Bill.”

<i>Mr. Lough</i>	751
<i>Sir William Anson</i>	752

Question put.

The House divided :—Ayes, 267 ; Noes, 15. (Division List No. 496.)

<i>Mr. Lane-Fox</i>	755
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Amendment proposed to the Bill—

“In page 2, line 9, after the word ‘authority’ to insert the words ‘in an urban area.’”—(*Mr. Lane-Fox.*)

Question proposed, “That those words be there inserted in the Bill.”

<i>Mr. Lough</i>	755
<i>Mr. Bridgeman</i>	756
<i>Mr. S. Collins (Lambeth, Kennington)</i>	756
<i>Mr. Rogers (Wiltshire, Devizes)</i>	756

Amendment by leave, withdrawn

<i>Sir William Anson</i>	757
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Amendment proposed to the Bill—

“ In page 2, line 9, after the word ‘ authority ’ to insert the words ‘ after receiving the report of a medical inspection. ’ ”—(*Sir William Anson.*)

Question proposed, “ That those words be there inserted in the Bill.”

<i>Mr. Lough</i>	..	..	..	..	..	..	..	..	758
<i>Sir Francis Powell</i>	..	..	..	..	..	..	..	..	758
<i>Dr. Macnamara</i>	..	..	..	..	..	..	..	..	758
<i>Sir Frederick Banbury</i>	..	..	..	..	..	..	..	..	758

Amendment, by leave, withdrawn.

Amendments proposed to the Bill—

“ In page 2, line 12, after the word ‘ and ’ to insert the words ‘ have ascertained that. ’ ”

“ In page 2, line 14, to leave out the word ‘ such. ’ ”

“ In page 2, line 14, after the word ‘ meals, ’ to insert the words ‘ provided under this Act. ’ ”—(*Sir William Anson.*)

Amendments agreed to.

<i>Sir Frederick Banbury</i>	..	..	..	..	..	..	..	759
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Amendment proposed to the Bill—

“ In page 2, line 15, after the second ‘ Board, ’ to insert the words ‘ subject to the consent of the local board of guardians. ’ ”—(*Sir Frederick Banbury.*)

Question proposed, “ That those words be there inserted in the Bill.”

Question put, and negatived.

<i>Sir William Anson</i>	..	..	..	..	..	..	..	759
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Amendment proposed to the Bill—

“ In page 2, line 17, after the words ‘ out of the rates, ’ to insert the words ‘ during such a period of time as the Board may direct. ’ ”—(*Sir William Anson.*)

Question proposed, “ That those words be there inserted in the Bill.”

<i>Mr. Lough</i>	..	..	..	..	..	..	..	760
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Question put, and negatived.

<i>Mr. Hunt</i>	..	..	..	..	..	..	..	760
<i>Mr. Bowles</i>	..	..	..	..	..	..	..	760

Amendment proposed to the Bill—

“ In page 2, line 16, after the word ‘ sum,’ to insert the words ‘ for necessitous children only.’ ”—(*Mr. Hunt.*)

Question proposed, “ That those words be there inserted in the Bill.”

<i>Mr. Lough</i>	761
<i>Sir William Anson</i>	761
<i>Mr. Cave</i>	762
<i>Sir Frederick Banbury</i>	763
<i>Dr. Macnamara</i>	764
<i>Mr. Hicks Beach</i> (<i>Gloucestershire, Tewkesbury</i>)	765
<i>Sir W. J. Collins</i>	766
<i>Mr. Herbert</i>	766
<i>The Solicitor-General</i> (<i>Sir W. Robson, South Shields</i>)	766

Question put.

The House divided :—Ayes, 36 ; Noes, 244. (Division List, No. 497.)

<i>Mr. Cave</i>	769
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Amendment proposed to the Bill—

“ In page 2, line 18, to leave out the word ‘ section ’ and to insert the word ‘ Act.’ ”—(*Mr. Cave.*)

Question proposed, “ That the word proposed to be left out stand part of the Bill.”

<i>Mr. Lough</i>	770
<i>Sir Francis Powell</i>	771

Amendment negatived.

Amendments proposed to the Bill—

“ In page 2, line 19, after the first word ‘ any,’ to insert the words ‘ local financial.’ ”

“ In page 2, line 19, to leave out from the word ‘ year,’ to the word ‘ shall,’ in line 21.”—(*Mr. Lough*)

Amendments agreed to.

<i>Sir Frederick Banbury</i>	771
<i>Mr. Hicks Beach</i>	771

Amendment proposed to the Bill—

“ In page 2, to leave out line 27.”—(*Sir Frederick Banbury.*)

Question proposed, “ That the words proposed to be left out stand part of the Bill.”

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<i>Mr. Lough</i>	771
<i>Mr. Arthur Henderson</i>	772

Amendment, by leave, withdrawn.

Amendments proposed—

“ In page 2, line 30, to leave out from the word ‘ disability ’ to end of clause.”—(*Mr. Lough*.)

“ In page 3, line 12, at the end, to add the words ‘ or in the collection of the cost therefor. ’ ”—(*Mr. Lane-Fox*.)

Amendments agreed to.

<i>Sir Henry Craik (Glasgow and Aberdeen Universities)</i>	772
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Amendment proposed—

“ In page 3, line B, to leave out Clause 7.”—(*Sir Henry Craik*.)

Question proposed, “ That Clause 7 stand part of the Bill.”

<i>Mr. McCrae (Edinburgh, E.)</i>	777
<i>The Secretary for Scotland (Mr. Sinclair, Forfarshire)</i>	778
<i>Mr. Gulland (Dumfries Burghs)</i>	779
<i>Mr. C. E. Price (Edinburgh, Central)</i>	780

Question put.

The House proceeded to a division, and Mr. SPEAKER stated that he thought the Ayes had it ; and, on his decision being challenged, it appeared to him that the division was frivolously claimed, and he accordingly called upon the Members who challenged his decision to rise in their places, and he declared the Ayes had it, thirteen Members only who challenged his decision having stood up.

Bill read the third time, and passed.

Whereupon Mr. SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at twenty-four minutes after Twelve o'clock.

HOUSE OF LORDS : FRIDAY, 14TH DECEMBER, 1906.

PRIVATE BILL BUSINESS.

Ardrossan, Saltcoats and District Tramways Order Confirmation Bill [H.L.].—Read 3 ^a (according to order) ; Amendments made, Bill passed, and sent to the Commons	781
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Dunfermline and District Tramways Order Confirmation Bill [H.L.]— Read 3 ^a (according to order); an Amendment made, Bill passed, and sent to the Commons	781
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Dumbartonshire Tramways Order Confirmation Bill [H.L.]—Read 3 ^a (according to order); Amendments made, Bill passed, and sent to the Commons	781
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Falkirk and District Tramways (Extensions) Order Confirmation Bill (No. 246.) Edinburgh Suburban Electric Tramways Order Confirmation Bill (No. 247).—Brought from the Commons. Read 1 ^a ; to be printed and (pursuant to the Private Legislation Procedure (Scotland) Act 1899), deemed to have been read 2 ^a ; (The Lord Hamilton of Dalzell), and reported from the Committee, and Bills to be read 3 ^a on Monday next	781
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PETITIONS.

EDUCATION (ENGLAND AND WALES) BILL.—Petition against, of inhabitants of parish of Fretherne; read, and ordered to lie on the Table	781
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BUSINESS OF THE HOUSE.

<i>The Lord Privy Seal (The Marquess of Ripon)</i>	781
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Moved, “That Standing Order No. XXXIX. be considered in order to its
being suspended for the remainder of the session.”—(*The Marquess of
Ripon.*)

On Question, Motion agreed to; and ordered accordingly.

Town Tenants (Ireland) Bill.—Order of the Day read for receiving the Report
of Amendments.

<i>Lord Denman</i>	782
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Moved, “That this Report be now received.”—(*Lord Denman.*)

<i>The Earl of Mayo</i>	783
<i>The Marquess of Ripon</i>	784
<i>The Marquess of Lansdowne</i>	784

On Question, Motion agreed to.

<i>The Earl of Mayo</i>	785
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Amendment moved—

“In page 2, line 23, after the word ‘consideration’ to insert the
words ‘including a building lease.’”—(*The Earl of Mayo.*)

<i>Lord Denman</i>	786
<i>Lord Ashbourne</i>	786
<i>The Lord President of the Council (The Earl of Crewe)</i>	786

On Question, Amendment agreed to.

<i>Lord Dunboyne</i>	786
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Amendment moved—

“In page 2, line 27, to leave out the word ‘or’ and to insert the word ‘and.’”—(*Lord Dunboyne.*)

Lord Denman 787

On Question, Amendment agreed to.

Amendments moved—

“In page 2, line 28, to leave out the words ‘in his absence’ and in line 32, after the word ‘landlord’ to insert the words ‘or his agent.’”—(*Lord Dunboyne.*)

On Question, Amendments agreed to.

Lord Oranmore and Browne 787

Amendment moved—

“In page 3, line 10, to leave out the word ‘three,’ and to insert the word ‘four.’”—(*Lord Oranmore and Browne.*)

Lord Denman 788

Lord Oranmore and Browne 788

The Earl of Crewe 789

The Earl of Dunraven 789

The Marquess of Lansdowne 789

Amendment, by leave, withdrawn.

Lord Denman 789

Amendment moved—

“In page 4, line 9, to leave out from the word ‘cause’ to the word ‘terminates’ in line 10.”—(*Lord Denman.*)

On Question, Amendment agreed to.

Lord Denman 790

Amendment moved—

“In page 4, line 19, to leave out the word ‘or’ and to insert the words ‘of goodwill and the,’ and to leave out the words ‘the tenant.’”—(*Lord Denman.*)

The Earl of Donoughmore 791

The Earl of Dunraven 791

The Earl of Crewe 791

Lord Castletown 791

On Question, Amendment agreed to.

Drafting Amendment agreed to.

Amendment moved—

“In page 4, line 22, to leave out the word ‘one’ and to insert the word ‘five.’”—(*Lord Denman.*)

The Earl of Donoughmore 792

Amendment, as amended, agreed to.

Drafting Amendment agreed to.

Lord Denman 792

Amendment moved—

“In page 4, line 31, to leave out the word ‘partly’ and to insert the words ‘to a substantial extent.’”—(*Lord Denman.*)

The Earl of Donoughmore 793

The Earl of Crewe 793

The Marquess of Lansdowne 793

The Lord Chancellor 794

On Question, Amendment agreed to.

Lord Clonbrock 794

Amendment moved—

“In page 4, line 31, after the word ‘purposes’ to insert the words, ‘and which are held (a) under tenancies from year to year created after the passing of this Act, or (b) under leases made after the passing of this Act, for terms of less than thirty-one years, or for a life or lives, or (c) under tenancies from year to year existing at the passing of this Act where the rent of the holding is under £30 per annum.’”—(*Lord Clonbrock.*)

Lord Denman 795

The Earl of Dunraven 796

Lord Ashbourne 796

The Earl of Crewe 796

Lord Denman 797

On Question, Amendment agreed to.

Lord Barrymore 798

Amendment moved—

“In page 5, line 18, after the word, ‘compulsion’ to insert the following new sub-section: (2) Notwithstanding anything in this section, a tenant of a holding whose rent is not less than thirty pounds per annum, shall not be entitled to make any claim for compensation under any provision of this Act in cases where the tenant has contracted in writing with his landlord that he will not make any such claim.”—(*Lord Barrymore.*)

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<i>Lord Denman</i>		798
<i>The Earl of Crewe</i>		799

Amendment, by leave, withdrawn.

<i>Lord Denman</i>		800
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Amendment moved—

“In pages 5 and 6, to leave out sub-sections (3) and (4); and to insert the following new clause: ‘(1) Any person aggrieved by any determination of the county court under this Act may appeal either—
(a) to the Judge of Assize or a Judge of the High Court as the case may be in accordance with the provisions of the County Courts (Ireland) Acts, 1851 to 1889, relating to appeals in the case of ordinary civil bills; or (b) to the Court of Appeal in accordance with rules of the Supreme Court. Provided that if in any proceedings appeals are taken both to the Judge of Assize or a Judge of the High Court and to the Court of Appeal, the appeals shall be heard together by such Judge, and a further appeal may be taken from his determination to the Court of Appeal in accordance with rules of the Supreme Court.’”
—(*Lord Denman*.)

<i>Lord Dunboyne</i>	.. .. .	800
<i>Lord Denman</i>	.. .. .	801
<i>Lord Ashbourne</i>	.. .. .	801

On Question, Amendment agreed to.

Amendment moved—

“In page 6, line 13, after the word ‘upon’ to insert the following new sub-section. (2) Section 29 (as far as unrepealed) and sections 30, 31, and 32 of the Agricultural Holdings (England) Act, 1883, shall, so far as they are applicable, apply to proceedings in respect of claims under this Act.”—(*The Earl of Drogheda*.)

<i>Lord Denman</i>	.. .. .	801
<i>Lord Ashbourne</i>	.. .. .	802

Amendment, by leave, withdrawn.

Amendment moved—

“In page 6, after Clause 11, to insert a new clause.”—(*Lord Denman*.)

On Question, new clause agreed to.

<i>Lord Denman</i>		802
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Amendment moved—

“In page 6, line 16, to leave out the word ‘towns’ and to insert the words ‘urban districts, towns, or villages.’”—(*Lord Denman*.)

<i>The Earl of Pembroke</i>	802
<i>The Earl of Crewe</i>	803
<i>The Earl of Dunraven</i>	803

On Question, Amendment agreed to.

<i>Lord Ashbourne</i>	804
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Amendment moved—

“In page 6, line 33, after the word ‘Court’ to insert the words ‘made after notice sent to or consultation with the Incorporated Law Society of Ireland.’”—(*Lord Ashbourne.*)

<i>Lord Denman</i>	804
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On Question, Amendment agreed to.

<i>Lord Dunboyne</i>	804
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Amendment moved—

“In page 7, line 6, to leave out the word ‘January’ and to insert the word ‘July.’”—(*Lord Dunboyne.*)

<i>Lord Denman</i>	804
<i>Lord Ashbourne</i>	805
<i>The Earl of Crewe</i>	805
<i>The Earl of Mayo</i>	806

Amendment, by leave, withdrawn.

Bill to be read 3^a on Tuesday next, and to be printed as amended. (No. 243.)

Merchant Shipping Acts Amendment (No. 2) Bill.—Amendments reported (according to Order.)

<i>Lord Balfour of Burleigh</i>	806
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Amendment moved—

“In Clause 52, page 30, line 5, after the word ‘therein’ to insert as a new sub-section: ‘(2) It is hereby declared that where the registry of a ship is considered as closed under sub-section (1) of section twenty-one of the principal Act as amended by this section or under sub-section (10) of section forty-four of that Act, on account of a transfer to persons not qualified to be owners of British ships, any unsatisfied registered mortgage (including mortgages made under a certificate of mortgage) may, if the ship comes within the jurisdiction of any British Court which has jurisdiction to enforce the mortgage, or would have had such jurisdiction if the transfer had not been made, be enforced by that Court notwithstanding the transfer, without prejudice, in cases where the ship has been sold under a judgment of a Court, to the effect of that judgment.’”—(*Lord Balfour of Burleigh.*)

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<i>The Lord Chancellor</i>	808
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On Question, Amendment agreed to.

Drafting Amendments agreed to.

<i>The Marquess of Ripon</i>	809
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<i>The Marquess of Salisbury</i>	809
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Moved, "That the Bill be now read 3^a."—(*The Marquess of Ripon*.)

<i>The Lord Bishop of Bangor</i>	810
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<i>The Earl of Granard</i>	810
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On Question (Standing Order XXXIX. having been suspended), Bill read 3^a, with the Amendments, and passed and returned to the Commons and to be printed as amended.

Trade Disputes Bill.—Amendments reported (according to Order).

<i>Lord Balfour of Burleigh</i>	810
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Amendment moved—

"In Clause 4, page 4, line 13, to leave out from the word 'nine' to the end of the sub-section and to insert the words 'Provided that the said trustees shall not be made liable in any action for any tortious act committed for or on behalf of the union where such tortious act does not touch or concern the property, right, or claim to property of the trade union.'"—(*Lord Balfour of Burleigh*.)

<i>The Lord Chancellor</i>	812
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On Question, Amendment agreed to.

<i>The Earl of Donoughmore</i>	812
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Amendment moved—

"In Clause 5, page 2, line 25, after the word 'dispute,' to insert the words 'between employers and workmen, and servants or persons employed in any trade or industry whether in such employers' employment or not.'"—(*The Earl of Donoughmore*.)

<i>The Lord Chancellor</i>	813
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On Question, Amendment agreed to.

Moved, "To omit Clause 6."—(*The Earl of Donoughmore*.)

On Question, Amendment agreed to.

Then (Standing Order No. XXXIX. having been suspended), Bill read 3^a, with the Amendments, and passed and returned to the Commons, to be printed as amended.

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Recorders, Stipendiary Magistrates, and Clerks of the Peace Bill.

[SECOND READING].—Order of the Day for the Second Reading read

<i>The Lord Chancellor</i>	..	..	..	..	..	..	..	813
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Moved, "That the Bill be now read 2^a."—(*The Lord Chancellor.*)

<i>Lord Ashbourne</i>	..	..	..	..	..	..	814
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On Question, Bill read 2^a, and committed to a Committee of the Whole House on Monday next.**Licensing (Removal of Doubts Bill.)** [SECOND READING].—Order of the Day for the Second Reading read.

<i>The Lord Chancellor</i>	..	..	..	..	..	..	814
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Moved, "That the Bill be now read 2^a."—(*The Lord Chancellor.*)

<i>Lord Ashbourne</i>	..	..	..	..	..	..	814
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On Question, Bill read 2^a.

<i>The Marquess of Ripon</i>	..	..	..	..	..	..	815
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Committee negatived; then (Standing Order XXXIX. having been suspended), Bill read 3^a, and passed.**Workmen's Compensation Bill** [SECOND READING].—Order of the Day for the Second Reading read.

<i>Earl Beauchamp</i>	..	..	..	..	..	..	815
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Moved, "That the Bill be now read 2^a."—(*Earl Beauchamp.*)

<i>The Earl of Camperdown</i>	..	..	..	..	..	..	818
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<i>The Lord Chancellor</i>	..	..	..	..	..	..	818
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<i>Lord Belper</i>	..	..	..	..	..	..	818
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<i>The Marquess of Lansdowne</i>	..	..	..	..	..	..	821
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On Question, Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Tuesday next.**Notice of Accidents Bill** [SECOND READING].—Order of the Day for the Second Reading read.

<i>Earl Beauchamp</i>	..	..	..	..	..	..	821
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Moved, "That this Bill be now read 2^a."—(*Earl Beauchamp.*)

On Question, Motion agreed to.

Bill committed to a Committee of the Whole House on Tuesday next.

House adjourned at ten minutes past Three o'clock to Monday next, a quarter past Four o'clock.

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HOUSE OF COMMONS: FRIDAY, 14TH DECEMBER, 1906.

The House met at Twelve of the clock.

MESSAGE FROM THE LORDS.—That they have agreed to Amendments to Street Betting Bill [Lords], without Amendment.

That they have passed a Bill, intituled, “An Act to confirm a Provisional Order under The Private Legislation Procedure (Scotland) Act, 1899, relating to the Ure Elder Fund.” [Ure Elder Fund Order Confirmation Bill [Lords]]

Also, a Bill, intituled, “An Act to confirm a Provisional Order under The Private Legislation Procedure (Scotland) Act, 1899, relating to Ardrossan, Saltcoats, and District Tramways.” [Ardrossan, Saltcoats, and District Tramways Order Confirmation Bill [Lords].

Also, a Bill, intituled, “An Act to confirm a Provisional Order under The Private Legislation Procedure (Scotland) Act, 1899, relating to Dunfermline and District Tramways.” [Dunfermline and District Tramways Order Confirmation Bill [Lords].

And, also a Bill, intituled, “An Act to confirm a Provisional Order under The Private Legislation Procedure (Scotland) Act, 1899, relating to Dunbartonshire Tramways.” [Dunbartonshire Tramways Order Confirmation Bill [Lords].

That they have agreed to, Licensing (Removal of Doubts) Bill, without Amendments, Merchant Shipping Acts Amendment (No. 2) Bill, Trade Disputes Bill, with Amendments 821

PRIVATE BILL BUSINESS.

Falkirk and District Tramways (Extensions) Order Confirmation Bill.—Read the third time, and passed.

Edinburgh Suburban Electric Tramways Order Confirmation Bill.—Considered; a Clause (for protection of the Edinburgh and Leith Corporations Gas Commissioners)—(*Mr. Sinclair*)—brought up, and read the first and second time, and added to the Bill.

Bill read the third time, and passed 822

Ure Elder Fund Order Confirmation Bill [LORDS].—Ordered, under Section 7 of the Private Legislation Procedure (Scotland) Act, 1899, to be considered upon Monday next 822

Ardrossan, Saltcoats, and District Tramways Order Confirmation Bill [LORDS].—Read the first time; and ordered, under Section 9 of the Private Legislation Procedure (Scotland) Act, 1899, to be read a second time upon Monday next, and to be printed. [Bill 372] 822

Dunfermline and District Tramways Order Confirmation Bill [LORDS].—Read the first time and ordered, under Section 9 of the Private Legislation Procedure (Scotland) Act, 1899, to be read a second time upon Monday next, and to be printed. [Bill 373] 823

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Dumbartonshire Tramways Order Confirmation Bill [LORDS]. —Read the first time; and ordered, under Section 9 of the Private Legislation Procedure (Scotland) Act, 1899, to be read a second time upon Monday next, and to be printed. [Bill 374]	823
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PETITION.

PARLIAMENTARY FRANCHISE.—Petition from Erith, for extension to women; to lie upon the Table	823
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RETURNS, REPORTS, ETC.

SMALL HOLDINGS (DEPARTMENTAL COMMITTEE).—Copy presented, of Report of the Departmental Committee, appointed by the Board of Agriculture and Fisheries to inquire into and report upon the subject of Small Holdings in Great Britain, with copy of the Minutes appointing the Committee, Minutes of Evidence, Appendices, and Index [by Command]; to lie upon the Table	823
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OPTIONS AND FUTURES IN FOOD STUFFS (LEGISLATION RESPECTING).—Copy presented, of Reports from the Canadian Government and His Majesty's Representatives abroad on Legislative Measures respecting] Gambling in "Option" and "Future" Contracts as regards Food Stuffs [by Command]; to lie upon the Table	823
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NAVY (GUNNERY).—Copy presented, of Result of Test of Gun-layers with Heavy Guns in His Majesty's Fleet, 1906 [by Command]; to lie upon the Table	823
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NAVY (DISTURBANCES AT PORTSMOUTH).—Copy presented, of Admiralty Minute in regard to Disturbances at Royal Naval Barracks, Portsmouth, on 4th and 5th November, 1906, and Courts Martial and other questions arising thereon [by Command]; to lie upon the Table	824
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BIRTHS, DEATHS, AND MARRIAGES.—Copy presented, of Sixty-eighth Annual Report of the Registrar-General of Births, Deaths, and Marriages in England and Wales, 1905 [by Command]; to lie upon the Table	824
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LEEWARD ISLANDS.—Copy presented of Additional Regulation relative to the Uniform worn by Prison Officers [by Act]; to lie upon the Table	824
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PAPERS LAID UPON THE TABLE BY THE CLERK OF THE HOUSE.

1. Adjournment Motions under Standing Order No. 10. Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed. [No. 382.]

2. Closure of Debate (Standing Order No. 26). Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed. [No. 383].

3. Divisions of the House. Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed.

4. Public Bills. Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed.

5. Public Petitions. Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed.

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6. Select Committees. Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed.

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Clauses 1 and 2 agreed to.	
Clause 3 :—	

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<i>Sir John Tuke (Edinburgh and St. Andrew's Universities)</i>	838
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Clause 3 agreed to.

Clause 4 :—

<i>Mr. Morton (Sutherland)</i>	839
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Amendment proposed..

“ In page 2, line 17, to leave out from the word ‘ shall ’ to the word ‘ who,’ in line 18, and to insert the words ‘ consist of nine members, one to be appointed by each of the following six city councils, but not necessarily a member, namely, Edinburgh, Glasgow, Dundee, Aberdeen, Inverness, and Perth, and three by the Secretary for Scotland.’ ”—*(Mr. Morton.)*

Question proposed, “ That the words proposed to be left out stand part of the clause.”

<i>The Secretary for Scotland (Mr. Sinclair, Forfarshire)</i>	840
<i>Mr. Akers-Douglas (Kent, St. Augustine's)</i>	841
<i>Mr. McCrae (Edinburgh, E.)</i>	842
<i>Mr. Munro Ferguson (Leith Burghs)</i>	844
<i>Mr. R. Duncan (Lanarkshire, Govan)</i>	845
<i>Mr. Smeaton (Stirlingshire)</i>	845
<i>Mr. Gulland (Dumfries Burghs)</i>	846
<i>Lord Balcarres (Lancashire, Chorley)</i>	846
<i>The Lord Advocate (Mr. Thomas Shaw, Hawick Burghs)</i>	849
<i>Mr. Crombie (Kincardineshire)</i>	850
<i>Mr. Younger (Ayr Burghs)</i>	850
<i>Mr. Morton</i>	851

Amendment negatived.

Amendment proposed—

“ In page 2, line 18, to leave out the word ‘ who ’ and, insert the words ‘ three of whom when so appointed shall be members of elected local authorities in Scotland, the said seven members.’ ”—*(Mr. Sinclair.)*

Question proposed, “ That the word ‘ who ’ stand part of the clause.”

<i>Mr. Akers-Douglas</i>	852
<i>Mr. Sinclair</i>	852
<i>Mr. Black (Banffshire)</i>	853

Question put, and negatived.

Words proposed inserted.

Amendment proposed—

“ In page 2, line 19, to leave out the word ‘ who.’ ”—*(Mr. Sinclair.)*

Question proposed, "That the word 'who' stand part of the clause."

Lord Balcarres 853

Amendment agreed to.

Mr. C. E. Price (Edinburgh Central) 854

Mr. Watt (Glasgow College) 854

Amendment proposed—

"In page 2, lines 27 and 28, to leave out the words 'Secretary for Scotland' and to insert the word 'Board.'"—(*Mr. Watt.*)

Question proposed, "That the words 'Secretary for Scotland' stand part of the Bill."

Mr. Akers-Douglas 851

Mr. Sinclair 855

Amendment, by leave, withdrawn.

Mr. Watt 854

Mr. Morton 854

Amendment proposed—

"In page 2, line 31, to leave out from the beginning of line to 'chairman' in line 32 and insert the words 'The Board shall appoint their own.'"—(*Mr. Watt.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Mr. Sinclair 855

Mr. Dalziel (Kirkcaldy Burghs) 855

Mr. Akers-Douglas 856

Mr. Black (Banffshire) 856

Mr. C. E. Price 857

Mr. Morton 857

Mr. Gulland 858

Mr. Munro Ferguson 858

Amendment, by leave, withdrawn.

Mr. Morton 858

Amendment proposed—

"In page 2, line 36, to leave out the words 'Secretary for Scotland' and insert the word 'Board.'"—(*Mr. Morton.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Mr. Sinclair 859

Mr. Pirie (Aberdeen, N.) 859

Mr. Morton 860

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<i>Mr. Sinclair</i>	..	..	..	..	..	..	..	860
<i>Mr. Stewart (Greenock)</i>	..	..	..	..	..	..	..	861

Amendment, by leave, withdrawn.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Clause 6 :—

<i>Mr. Sinclair</i>	..	..	..	..	..	..	..	862
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Amendment proposed—

“In page 3, line 17, at beginning, to insert, ‘(1) It shall be lawful for the Secretary for Scotland to allocate out of the General Fund of the Board of Manufactures such sums as may be prescribed (a) towards the building and equipment of a School of Art in Edinburgh; (b) for the purchase, erection, and equipment of buildings and for the purchase of any land necessary in connection therewith to be vested in the Commissioners of Works, and to be used for the purposes of the Royal Society of Edinburgh until otherwise prescribed with the consent of the Treasury.’”—(*Mr. Sinclair.*)

Question proposed, “That those words be there inserted.”

<i>Mr. Annan Bryce (Inverness Burghs)</i>	..	..	..	..	..	..	..	865
<i>Mr. Sinclair</i>	..	..	..	..	..	..	..	865
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<i>Mr. Thomas Shaw</i>	..	..	..	..	..	..	..	868
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<i>Mr. McCrae</i>	..	..	..	..	..	..	..	870
<i>Mr. Morton</i>	..	..	..	..	..	..	..	871
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<i>Mr. Buchanan (Perthshire, E.)</i>	..	..	..	..	..	..	..	873
<i>Mr. Munro Ferguson</i>	..	..	..	..	..	..	..	874
<i>Mr. Smeaton</i>	..	..	..	..	..	..	..	875

Amendment proposed to the proposed Amendment—

“In line 2, to leave out the word ‘prescribed,’ and insert the words ‘decided upon by the Board of Trustees.’”—(*Mr. Smeaton.*)

Question proposed, “That the word proposed to be left out stand part of the proposed Amendment.”

<i>Mr. Sinclair</i>	..	..	..	..	..	..	..	876
<i>Mr. Morton</i>	..	..	..	..	..	..	..	877

Amendment to the proposed Amendment, by leave, withdrawn.

Main Question again proposed.

<i>Mr. C. E. Price</i>	877
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Question put, and agreed to.

<i>Mr. Morton</i>	878
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Amendment proposed—

“In page 3, to leave out lines 23 and 24, and insert the words ‘towards the completion of the National Monument on the Carlton Hill to serve as the National Gallery for Scotland.’”—(*Mr. Morton.*)

Question proposed “That the words proposed to be left out stand part of the clause.”

<i>Mr. Akers-Douglas</i>	878
<i>Mr. Sinclair</i>	879
<i>Mr. Morton</i>	879

Amendment, by leave, withdrawn.

Clause 6, as amended, agreed to.

Clause 7—

<i>Mr. Sinclair</i>	880
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Amendment proposed—

“In page 3, line 29, after the word ‘works’ to insert ‘in the case of the two first-mentioned buildings.’”—(*Mr. Sinclair.*)

Question proposed, “That those words be there inserted.”

Question put, and agreed to.

<i>Mr. Morton</i>	880
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Amendment proposed—

“In page 3, line 30, after the word ‘and’ to insert the words ‘in the case of the two last-mentioned buildings for the purposes and subject to any rights for or subject to which such buildings are presently held. The said buildings.’”—(*Mr. Sinclair.*)

Question, “That those words be there inserted,” put, and agreed to.

<i>Mr. Black</i>	881
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Amendments proposed—

“In page 3, line 39, leave out the word ‘endowment’ and insert the word ‘repair.’”—(*Mr. Sinclair.*)

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“In page 3, line 40, at the end, to add ‘Provided that nothing in this Act contained and nothing done under this Act shall have the effect of imposing upon the heritors of the parish of Dunblane any obligations from which they were free at the passing of this Act.’”—
(*Mr. Sinclair.*)

Amendments agreed to.

Clause 7, as amended, agreed to.

Clauses 8 and 9 agreed to.

<i>Mr. C. E. Price</i>	..	..	..	..	..	..	..	881
<i>Mr. Eugene Wason (Clackmannan and Kinross)</i>	..	..	..	..	..	..	..	882

New clause—

“The Royal Scottish Geographical Society shall, during the pleasure of the Secretary for Scotland, remain in undisturbed possession of the rooms at present occupied by them in the National Portrait Gallery free of rent.”—(*Mr. C. E. Price.*)

Brought up, and read a first time.

Motion made, and Question proposed, “That the clause be read a second time.”

<i>Mr. Crombie</i>	..	..	..	..	..	..	..	882
<i>Lord Balcarres</i>	..	..	..	..	..	..	..	882
<i>Mr. Sinclair</i>	..	..	..	..	..	..	..	883
<i>Mr. C. E. Price</i>	..	..	..	..	..	..	..	883

Clause withdrawn.

<i>Mr. Morton</i>	..	..	..	..	..	..	..	883
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New clause—

“The Royal Scottish Geographical Society shall, during the pleasure of the Secretary for Scotland, remain in undisturbed possession of the rooms at present occupied by them in the National Portrait Gallery.”—(*Mr. Morton.*)

Brought up, and read the first time.

Motion made, and Question proposed, “That the clause be read a second time.”

<i>Mr. Pirie</i>	..	..	..	..	..	..	..	884
<i>Mr. Dalziel</i>	..	..	..	..	..	..	..	884
<i>Mr. Butcher (Cambridge University)</i>	..	..	..	..	..	..	..	884
<i>Mr. Sinclair</i>	..	..	..	..	..	..	..	884
<i>Mr. Rainy (Kilmarnock Burghs)</i>	..	..	..	..	..	..	..	885
<i>Mr. R. Duncan</i>	..	..	..	..	..	..	..	885
<i>Mr. R. Sinclair</i>	..	..	..	..W	..	..	..	886
<i>Mr. Munro Ferguson</i>	..	..	..	..	..	..	..	886

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Clause, by leave, withdrawn.

Bill reported ; as amended, to be considered upon Monday next.

Census of Production Bill.—Orders read, for resuming Adjourned Debate on Amendment proposed [22nd November] on Consideration of the Bill, as amended (by Standing the Committee).

Which Amendment was—

“In page 1, lines 6 and 7, to leave out the words ‘subsequently at such intervals,’ and insert the words ‘and each year following.’”—
(*Sir George Doughty*)—instead therefore.

Question again proposed, “That the words proposed to be left out stand part of the Bill.”

<i>Mr. Myer (Lambeth, N.)</i>	..	..	..	..	..	..	886
<i>Mr. Cremer (Shoreditch, Haggerston)</i>	..	..	..	..	..	..	887

Motion made and Question proposed, “That the debate be now adjourned.”—

(*Mr. Myer.*)

<i>The President of the Board of Trade (Mr. Lloyd-George, Carnarvon Boroughs)</i>	..	..	..	..	..	888
<i>Lord R. Cecil (Marylebone, S.)</i>	..	..	..	..	..	888
<i>Mr. T. L. Corbett (Down, N.)</i>	..	..	..	..	..	889

Question put.

Th House divided :—Ayes, 16 ; Noes, 197. (Division List No. 498.)

Question, “That the words proposed to be left out stand part of the Bill,” put, and agreed to.

<i>Mr. Lloyd-George</i>	..	..	..	..	..	..	891
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Amendment proposed to the Bill—

“In page 1, line 7, to leave out from the word ‘intervals’ and insert the words, ‘such intervals as may be determined by an order made by the Board of Trade as soon as practicable after the taking of the first census and laid before both Houses of Parliament.’”—(*Mr. Lloyd-George.*)

Question proposed, “That the words proposed to be left out stand part of the Bill.”

<i>Mr. Carlile (Herts., St. Albans)</i>	..	..	..	..	..	891
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Amendment agreed to.

<i>Captain Craig (Down, E.)</i>	..	..	..	..	..	893
<i>Mr. Chiozza Money (Paddington N.)</i>	..	..	..	..	..	894
<i>Mr. Hills (Durham)</i>	..	..	..	..	..	894

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Amendment proposed to the Bill—

“In page 1, line 21, after the words ‘relating to the,’ to insert the words ‘capital employed.’”—(*Mr. Chiozza Money.*)

Question proposed, “That those words be there inserted in the Bill.”

<i>Mr. Lloyd-George</i>	..	..	..	..	..	..	..	894
<i>Sir E. Carson (Dublin University)</i>	..	..	..	..	..	..	..	895
<i>Mr. Myer</i>	..	..	..	..	..	..	..	895

Amendment, by leave, withdrawn.

<i>Captain Craig</i>	..	..	..	..	..	..	..	895
<i>Mr. T. L. Corbett</i>	..	..	..	..	..	..	..	895

Amendment proposed to the Bill—

“In page 1, lines 21 and 22, to leave out the words ‘the number of days on which work was carried on.’”—(*Captain Craig.*)

Question proposed, “That the words proposed to be left out stand part of of the clause.”

<i>Mr. Lloyd-George</i>	..	..	..	..	..	..	..	896
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Amendment, by leave, withdrawn.

<i>Mr. Smeaton</i>	..	..	..	..	..	..	..	896
<i>Mr. Wardle (Stockport)</i>	..	..	..	..	..	..	..	896
<i>Captain Craig</i>	..	..	..	..	..	..	..	897

Amendment proposed to the Bill—

“In page 1, line 23, to leave out the words ‘and the power used or generated.’”—(*Captain Craig.*)

Question proposed, “That the words proposed to be left out stand part of the Bill.”

<i>Mr. Lloyd-George</i>	..	..	..	..	..	..	..	897
<i>Lord Balcarras</i>	..	..	..	..	..	..	..	897

Amendment negatived.

<i>Sir E. Carson</i>	..	..	..	..	..	..	..	898
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Amendment proposed to the Bill—

In page 1, line 24, after the word ‘nature’ to insert the words ‘except the amount of wages.’”—(*Sir E. Carson.*)

Question proposed, “That those words be there inserted in the Bill.”

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<i>Mr. Lloyd-George</i>	898
<i>Mr. Barnes (Glasgow, Blackfriars)</i>	898
<i>Mr. Chiozza Money</i>	899
<i>Mr. Carlile</i>	899
<i>Mr. Lloyd-George</i>	899

Amendment, by leave, withdrawn.

Amendments proposed to the Bill—

“ In page 2, line 17, to leave out sub-section (d).”

“ In page 2, line 27, after the word ‘ Act ’ to insert the words ‘ upon receiving notice in writing from the Board of Trade to that effect.’ ”

“ In page 2, line 31, to leave out the words ‘ so far as practicable.’ ”—(*Mr. Carlile.*)

Amendments agreed to.

<i>Mr. Smeaton</i>	899
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Amendment proposed to the Bill—

“ In page 2, line 40, after the word ‘ Ireland,’ to insert the words ‘ and a similar separate statement for Scotland.’ ”—(*Mr. Smeaton.*)

Question proposed, “ That those words be there inserted in the Bill.”

Question put and agreed to.

<i>Mr. Carlile</i>	900
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Amendment proposed to the Bill—

“ In page 3, line 12, to leave out subsection (3)—(*Mr. Carlile.*)

Question proposed, “ That the words proposed to be left out stand part of the Bill.”

Amendment agreed to.

Amendment proposed to the Bill—

“ In page 3, line 22, at the end, to add, ‘ Provided that the Board of Trade shall not transfer its power, to make rules under Section 8.’ ”—(*Mr. Smeaton.*)

Amendment agreed to.

<i>Sir E. Carson</i>	901
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Amendment proposed to the Bill—

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"In page 3, line 23, after the word 'individual' to insert the words 'or collective.'"—(*Sir E. Carson.*)

Question proposed, "That the word 'individual' stand part of the Bill."

Question proposed, "That those words be there inserted in the Bill."

Mr. Lloyd-George 901

Amendment proposed to the Bill—

"In page 3, line 26, to leave out the words 'persons making the Return,' and insert the words 'owner for the time being of the undertaking in relation to which the Return or answer was made or given.'"—(*Mr. Lloyd-George.*)

Amendment proposed to the Bill—

"In page 3, lines 35 and 36, to leave out the words 'makes any disclosures' and insert the word 'Acts.'"—(*Mr. Lloyd-George.*)

Amendment agreed to.

Amendment proposed to the Bill—

"In page 3, line 36, after the word 'disclosures,' to insert the words 'or use aforesaid.'"—(*Mr. Carlile.*)

Amendment negatived.

Amendment proposed to the Bill:—

"In page 3, line 40, at the end, to insert, '(2) For the purposes of this Act the expression "individual Return" shall include any Return or Returns made by any one person, partnership, company or association of persons and, where any trade or business is carried on by any company in whole or in part by means of any subsidiary company or companies, any aggregate of two or more returns made respectively by such company and subsidiary company or companies. In this section a company shall be deemed to be a subsidiary company when not less than three-fourths of its ordinary share capital is held by another company. (3) When any trade or business is carried on by such a small number of persons or companies that if Returns were published for any particular district, county, or part of the United Kingdom, it would be possible by inspection of such Returns to obtain information as to individual Returns, then no Returns shall be published for any such district, county or part of the United Kingdom.'"—(*Mr. Carlile.*)

Question proposed, "That those words be there inserted in the Bill."

Question put, and negatived.

Amendment proposed to the Bill—

"In page 3, line 40, at the end, to insert the words, 'Where it is shown to the satisfaction of the Board of Trade any trade or business is carried on by any company in whole or in part by means of any

one or more subsidiary companies, any aggregate of two or more Returns relating to the trade or business so carried on shall for the purposes of this Act be treated as an individual Return. A company shall be treated as subsidiary to another company for the purposes of this provision if not less than three-fourths of its ordinary share capital is held by that other company.'"—(*Mr. Lloyd-George.*)

Question, "That those words be there inserted in the Bill," put, and agreed to.

Amendment proposed to the Bill—

"In page 3, line 40, at the end, to insert the words, 'if any person having possession of any information which to his knowledge has been disclosed in contravention of the provisions of this section, publishes or communicates to any other person any such information, he shall be guilty of a misdemeanour and shall on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine, or to both imprisonment and a fine.'"—(*Mr. Lloyd-George.*)

Question put, "That those words be there inserted in the Bill."

Sir E. Carson 904

Question put, and agreed to.

Lord Balcarres 904

Amendment proposed to the Bill—

"In page 4, line 21, to leave out sub-section (b)."—(*Lord Balcarres.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

Mr. Lloyd-George 904

Sir E. Carson 905

Amendment, by leave, withdrawn.

Amendments proposed to the Bill—

"In page 4, line 26, at the end, to insert '(d) All rules made in pursuance of this Act shall be laid before Parliament.'"—(*Lord Balcarres.*)

"In page 4, line 28, after the word 'of' to insert the words 'and engaged in.'"—(*Sir Albert Spicer.*)

"In page 5, line 5, after the word 'thereof,' to insert the words 'or to be made acquainted with any information contained in any answer to any question put for the purposes of this Act.'"—(*Mr. Lloyd-George.*)

Amendments agreed to.

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<i>The Under-Secretary of State for the Home Department (Mr. Herbert Samuel, Yorkshire, Cleveland)</i>	..	..	..	..	..	..	..	..	906
<i>Mr. Stuart Wortley (Sheffield, Hallam)</i>	..	..	..	..	..	..	..	..	907
<i>Sir E. Carson</i>	..	..	..	..	..	..	..	..	907

Amendment, by leave, withdrawn.

Amendment proposed to the Bill—

“In page 5, line 35, after the word ‘continues,’ to insert the words ‘and in respect of false returns and answers the offence shall be deemed to continue until a true return or answer has been made or given.’”—(*Mr. Lloyd-George.*)

Amendment agreed to.

<i>Mr. Carlile</i>	..	..	..	..	..	..	..	..	908
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Amendment proposed to the Bill—

“In page 6, line 5, to leave out paragraph (b), and insert—‘the owner of every mine or quarry or his agent or manager duly authorised by him in that behalf.’”—(*Mr. Carlile.*)

Amendment, by leave withdrawn.

<i>Lord R. Cecil</i>	..	..	..	..	..	..	..	..	909
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Amendment proposed to the Bill—

“In page 6, line 7, to leave out the words ‘repair or decoration.’”—(*Lord R. Cecil.*)

Amendment agreed to.

Amendment proposed to the Bill—

“In page 6, to leave out sub-section (d).”—(*Mr. Stuart Wortley.*)

<i>Mr. Lloyd-George</i>	..	..	..	..	..	..	..	..	909
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Amendment, by leave, withdrawn.

<i>Lord R. Cecil</i>	..	..	..	..	..	..	..	..	910
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Amendment proposed to the Bill—

“In page 6, line 13, to leave out the words, ‘or any other prescribed works.’”—(*Lord R. Cecil.*)

Question proposed, “That the words proposed to be left out stand part of the Bill.”

<i>Mr. Lloyd-George</i>	..	..	..	..	..	..	..	..	910
<i>Lord Balcarras</i>	..	..	..	..	..	..	..	..	910

Amendment negatived.

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Motion made and question proposed, "That the Bill be now read the third time."

Mr. Cremer 911

Question put, and agreed to.

Bill was read the third time, and passed.

Whereupon Mr. SPEAKER adjourned the House without question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at twenty-one minutes after Seven o'clock till Monday next.

HOUSE OF LORDS: MONDAY, 17TH DECEMBER, 1906.

PRIVATE BILL BUSINESS.

Falkirk and District Tramways (Extensions) Order Confirmation Bill.

—Read 3^a (according to order), and passed 913

Edinburgh Suburban Electric Tramways Order Confirmation Bill.—

Order of the day for the Third Reading read.

Lord Hamilton of Dalzell 913

Lord Balfour of Burleigh 913

The Lord Privy Seal (The Marquess of Ripon) 913

Third Reading put off till to-morrow.

PETITIONS.

EDUCATION (ENGLAND AND WALES) BILL.—Petition against; of inhabitants of parish of Hampstead; read, and ordered to lie on the Table 913

RETURNS, REPORTS, ETC.

TRADE.—Annual Statement of the Trade of United Kingdom with Foreign Countries and British Possessions, 1905. Supplement to Volumes I. and II. Abstract and detailed tables showing countries of consignment of imports and countries of ultimate destination of exports, with a prefatory memorandum 914

BIRTHS, MARRIAGES, AND DEATHS.—Sixty-eighth Annual Report of the Registrar-General of Births, Marriages, and Deaths in England and Wales (1905) .. 914

"OPTIONS" AND "FUTURES" IN FOOD-STUFFS (LEGISLATION).—Reports from the Canadian Government and His Majesty's representatives abroad on legislative measures respecting gambling in "option" and "future" contracts as regards food-stuffs (in continuation of [Cd. 1756] of 1904) .. 914

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SMALL HOLDINGS.—Report of the Departmental Committee appointed by the Board of Agriculture and Fisheries to inquire into and report upon the subject of small holdings in Great Britain, with minutes appointing the Committee; Minutes of evidence, with appendices and index .. 914

AGRICULTURAL STATISTICS, 1906.—Vol. XLI., Part I. Average and live stock returns of Great Britain, with summaries for the United Kingdom. Presented (by Command), and ordered to lie on the Table .. 914

LEEWARD ISLANDS.—Additional regulation relative to the uniform worn by prison officers; laid before the House (pursuant to Act), and ordered to lie on the Table .. 914

HOUSE OF LORDS OFFICES.—Fourth Report from the Select Committee made, to be printed, and to be considered to-morrow. (No. 249) .. 914

Education (England and Wales) Bill.—Order of the day for the consideration of the Commons' reason for disagreeing with the Lords' Amendments read.

Moved, "That the Commons' reason for disagreeing with the Lords' Amendments be now considered."—(*The Earl of Crewe.*)

The Marquess of Lansdowne .. 915

Amendment moved—

"To leave out all the words after 'That' for the purpose of inserting the following Resolution, viz.—("this House (1) records its protest against the innovation in constitutional procedure by which the Commons have rejected the whole of the Lords' Amendments to the Education Bill, including those proposed by His Majesty's Ministers, without assigning, in any case, specific reasons for the rejection of those Amendments; and (2) adjourns the consideration of the Commons message in order to afford His Majesty's Government an opportunity of making a definite statement to the House as to the course which His Majesty's Government are prepared to recommend to the House of Commons with regard to each material Amendment to the Bill).'"—(*The Marquess of Lansdowne.*)

The Lord President of the Council (The Earl of Crewe) .. 923
The Lord Privy Seal (The Marquess of Ripon) .. 937

Moved, "That the debate be now adjourned until to-morrow."—(*The Marquess of Ripon.*)

Lord Stanley of Alderley .. 937
The First Lord of the Admiralty (Lord Tweedmouth) .. 939

On Question, debate adjourned until to-morrow.

THE SOUTH AFRICAN CONSTITUTIONS.

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<i>Lord Coleridge</i>		960
<i>Lord Lovat</i>		962
<i>Lord Amphil</i>		969
<i>The Earl of Elgin</i>		970

Burials Bill.—House in Committee (according to order).

Clause 1 :—

Amendment moved—

“ In page 1, line 7, after the word ‘ a,’ to insert the words ‘ burial ground or.’ ”—(*Earl Carrington.*)

Amendment agreed to.

Lord Weardale 973

Amendment moved—

“ In page 1, line 10, after the word ‘ erected ’ to insert the words ‘ or is or was erected or completed.’ ”—(*Lord Weardale.*)

Amendment agreed to.

Clause, as amended, agreed to.

Clause 2 :—

The Earl of Meath 974

Clause 2 agreed to.

Bill reported with Amendments : Standing Committee negatived : Then (Standing Order No. XXXIX. having been suspended), Bill read 3^a, with the Amendments, and passed, and returned to the Commons.

Removal of Offensive Matter Bill.—House in Committee (according to order) : Bill reported without Amendment : Standing Committee negatived : Then (Standing Order No. XXXIX. having been suspended) : Bill read 3^a, and passed.

Recorders, Stipendiary Magistrates and Clerks of the Peace Bill.—

House in Committee (according to order).

Amendment proposed—

“ In page 2, line 14, at the end to add ‘ That the powers given by this Act shall be in addition to and not in abrogation of any similar power existing under sub-section 4 of Section 83 of the Local Government Act of 1888 or otherwise.’ ”—(*The Lord Chancellor.*)

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Amendment agreed to.

Standing Committee negatived : Then (Standing Order No. XXXIX. having been suspended) : Amendment reported : Bill read 3^a, with the Amendments, and passed, and returned to the Commons 975

Land Tax Commissioners Bill.—Order of the day for the Second Reading read

The Marquess of Ripon 975

Read 2^a (according to order), and committed to a Committee of the Whole House to-morrow.

Census of Protection Bill.—Brought from the Commons ; read 1^a ; to be printed ; and to be read 2^a, to-morrow : (The Lord Granard (*E. Granard*)). (No. 248.) 975

House adjourned at twenty-five minutes past Eight o'clock till to-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS : MONDAY, 17TH DECEMBER, 1906.

The House met at a quarter before Three of the clock.

NEW WRIT.—For the County of Cork (Mid. Cork Division) in the room of Daniel Daniel Sheehan, esquire (Chiltern Hundreds).—(*Mr. William O'Brien*). .. 976

PRIVATE BILL BUSINESS.

Ure Elder Fund Order Confirmation Bill [LORDS]. Considered ; to be read the third time to-morrow 976

Ardrossan, Saltcoats and District Tramways Order Confirmation Bill. [LORDS] ; Dunbartonshire Tramways Order Confirmation Bill [Lords] ; Dumfermline and District Tramways Order Confirmation Bill [Lords]. Read a second time ; to be considered to-morrow 976

PETITIONS.

PARLIAMENTARY FRANCHISE.—Petition from Bexhill-on-Sea, for extension to women ; to lie upon the Table 976

RETURNS, REPORTS, ETC.

BOARD OF AGRICULTURE AND FISHERIES.—Copy presented of Agricultural Statistics, 1906, Vol. XLI., Part I., Acreage and Live Stock Returns of Great Britain with Summaries for the United Kingdom [by Command] ; to lie upon the Table 976

ARMY (MEDICAL DEPARTMENT).—Copy presented, of Report of the Army Medical Department for the year 1905 [by Command] ; to lie upon the Table 976

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METROPOLITAN BOROUGH COUNCILS (BILLS IN PARLIAMENT).—Return presented, relative thereto [Ordered 3rd August, Mr. Cleland]; to lie upon the Table and to be printed. [No. 385.]	977
PRIVATE BILLS (LONDON COUNTY COUNCIL).—Return presented, relative thereto ordered 25th October, Mr. Thornton]; to lie upon the Table, and to be printed. [No. 386.]	977
LOCAL TAXATION RETURNS (ENGLAND).—Copy presented, of the Annual Local Taxation Returns for 1904-5 [by Act]; to lie upon the Table, and to be printed. [No. 387.]	977
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BUSINESS OF THE HOUSE.—Questions, Mr. A. J. Balfour; Answers, Sir H. Campbell-Bannerman	1050

NEW BILL.

Absent Voters Bill.—"To facilitate the recording of Votes at Parliamentary Elections of Fishermen, Sailors, and other persons liable to habitual absence from their usual residence in pursuit of their calling," presented by Mr. Alexander Black; supported by Mr. Eugene Wason, Mr. Crombie, Mr. Bell, Mr. Arthur Henderson, Mr. Havelock Wilson, and Mr. Sutherland; to be read a second time upon Thursday, and to be printed. [Bill 375.]

THE WORCESTER VACANCY.

Sir A. Acland-Hood (Somerset, Wellington) 1051

Motion made, and Question proposed, "That Mr. Speaker do issue his warrant to the Clerk of the Crown to make out a New Writ for the electing of a Member to serve in this present Parliament for the borough of Worcester, in the room of George Henry Williamson, esquire, whose election has been declared to be void."—(*Sir A. Acland-Hood.*)

The Attorney-General (Sir John Walton, Leeds, S.) 1054

Amendment proposed—

"In line 2, after the word 'do,' to insert the words 'not during the present session of Parliament.'"—(*Mr. Attorney-General.*)

Question proposed, "That those words be there inserted."

Mr. Austen Chamberlain (Worcestershire, E.) 1057

Sir E. Carson (Dublin University) 1059

Question put.

The House divided :—Ayes, 266; Noes, 46. (Division List No. 499.)

Main Question, as amended, put, and agreed to.

Ordered, That Mr. SPEAKER do not, during the present Session of Parliament issue his Warrant to the Clerk of the Crown to make out a New Writ for the electing of a Member to serve in this present Parliament for the Borough of Worcester, in the room of George Henry Williamson, esquire, whose election has been declared to be void.

TRANSVAAL AND ORANGE RIVER COLONIES (CONSTITUTIONS).

The Under-Secretary of State for the Colonies (Mr. Churchill, Manchester, N.W.) 1063

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Motion made and Question proposed—"That this House approves the grant of Constitutions conferring responsible government upon the peoples of the Transvaal and Orange River Colonies."—(*Mr. Churchill.*)

<i>Mr. Lyttelton (St. George's, Hanover Square)</i>	1078
<i>Sir Chas. Dilke (Gloucestershire, Forest of Dean)</i>	1090
<i>Mr. Walker (Leicestershire, Melton)</i>	1098
<i>Mr. Evelyn Cecil (Aston Manor)</i>	1100
<i>Mr. Boulton (Hunts, Ramsey)</i>	1104
<i>Mr. Keir Hardie (Merthyr Tydvil)</i>	1107
<i>Mr. Ashley (Lancashire, Blackpool)</i>	1111
<i>Mr. Molteno (Dumfriesshire)</i>	1115
<i>Mr. Hills (Durham)</i>	1121
<i>Mr. Hemmerde (Denbighshire)</i>	1123
<i>Mr. Swift MacNeill (Donegal, S.)</i>	1128
<i>Major Seely (Liverpool, Abercromby)</i>	1130
<i>Mr. Churchill</i>	1131
<i>Mr. Cremer (Shoreditch, Haggerston)</i>	1138

Question put, and agreed to.

Resolved, That this House approves the Grant of Constitutions conferring responsible government upon the peoples of the Transvaal and Orange River Colonies.—(*Mr. Churchill.*)

Trade Disputes Bill.—Lords' Amendments considered.

Lords' Amendment, "In page 1, line 18, after the word "attend," to insert the words 'peaceably and in a reasonable manner,'" read a second time.

<i>The Attorney-General (Sir John Walton, Leeds, S.)</i>	1139
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Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Sir John Walton.*)

<i>Lord R. Cecil (Marylebone, E.)</i>	1140
<i>Mr. Bowles (Lambeth, Norwood)</i>	1141
<i>Mr. F. E. Smith (Liverpool, Walton)</i>	1142

Question put, and agreed to.

Lords' Amendment, "In page 2, line 12, to leave out from the word 'nine' to the end of the clause, and insert the words 'Provided that the said trustees shall not be made liable in any action for any tortious act committed for or on behalf of the union where such tortious act does not touch or concern the property, right, or claim to property of the Trade Union,'" the next Amendment, read a second time.

<i>Sir John Walton</i>	1143
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Motion made and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Sir John Walton.*)

<i>Mr. Cave (Surrey, Kingston)</i>	1144
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Question put, and agreed to.

Lords' Amendment, "In page 2, line 24, after the word 'dispute' to insert the words 'between employers and workmen, servants, or persons employed in any trade or industry whether in such employer's employment or not,'" the next Amendment, read a second time.

Sir John Walton 1144

Motion made, and Question, "That the words proposed to be left out stand part of the said Amendment," put, and negatived.

Question proposed, "That the words proposed be there inserted."

Mr. F. E. Smith 1145

Mr. Clements Edwards (Denbigh District) 1145

Lord R. Cecil 1145

Mr. Rufus Isaacs (Reading) 1145

Question put, and agreed to.

Lords' Amendment, as amended, agreed to.

A consequential Amendment made to the Bill.

Committee appointed to draw up reasons for disagreeing to certain of the Amendments made by the Lords to the Bill.

Committee nominated of, Mr. Attorney-General. Mr. John Burns, Mr. Lloyd-George, Mr. Solicitor-General, and Mr. Whiteley.

Three to be the quorum.

To withdraw immediately.—(*Sir John Walton.*)

Merchant Shipping Acts Amendment (No. 2) Bill.—Lords' Amendments considered.

The President of the Board of Trade (Mr. Lloyd-George, Carnarvon Boroughs) 1146

Lords Amendments to the Amendment, in page 29, line 35, read a second time, and agreed to.

Lords Amendment, in page 20, line 35, after "therein" insert as a new sub-section—

"(2) It is hereby declared that where the registry of a ship is considered as closed under sub-section (1) of Section 21 of the principal Act as amended by this section, or under sub-section (10) of Section 41 of that Act, on account of a transfer to persons not qualified to be owners of British ships, any unsatisfied registered mortgage (including mortgages made under a certificate of mortgage) may, if the ship comes within the jurisdiction of any British court which has juris-

diction to enforce the mortgage, or would have had such jurisdiction if the transfer has not been made, be enforced by that court notwithstanding the transfer, without prejudice, in cases where the ship has been sold under a judgment of a court, to the effect of that judgment," the next Amendment, read a second time.

Amendment agreed to.

Lords' Amendment, as amended, agreed to.

Subsequent Lords' Amendments, read a second time, and agreed to.

National Galleries of Scotland Bill.—As amended, considered.

Mr. Morton (Sutherland) 1147

Motion made, and Question "That this Bill be now read the third time," put, and agreed to.

Bill read the third time, and passed.

MESSAGE FROM THE LORDS.—That they have agreed to Burials Bill, with Amendments 1148

Burials Bill.—Lords' Amendments to be considered forthwith; considered, and agreed to 1148

Trade Disputes Bill.—Reasons for disagreeing to certain of the Lords' Amendments, reported, and agreed to.

To be communicated to the Lords.—(*Sir John Walton*) 1148

Whereupon Mr. DEPUTY SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at eight minutes after Twelve o'clock.

HOUSE OF LORDS: TUESDAY, 18TH DECEMBER, 1906.

The Lord Templemore sat first in Parliament after the death of his father.

PRIVATE BILL BUSINESS.

Edinburgh Suburban Electric Tramways Order Confirmation Bill.—Bill read 3^a (according to order.)

Lord Harris 1149

Amendments moved—

"In Clause 33, page 16, line 29, after the word 'therein' to insert the words 'thereover'; in Clause 64, page 48, line 13, after the word 'tramways' to insert the words 'and the said section thirty (except sub-sections one and five thereof) shall in its application to the tramways have effect as if wires or apparatus laid in a road in-

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cluded wires or apparatus erected or carried over a road or footpath"; and in Clause 92, page 58, line 4, after the word 'general' to insert the words 'or telephonic communication by means of any apparatus of the National Telephone Company, Limited.'—(*Lord Harris.*)

<i>The Chairman of Committees (The Earl of Onslow)</i>	..	..	..	1149
<i>Lord Harris</i>	..	..	..	1150
<i>Lord Balfour of Burleigh</i>	..	..	..	1150
<i>The Marquess of Ripon</i>	..	..	..	1150

On Question, Amendment agreed to.

Amendments moved—

"In Clause 92, page 58, after sub-section (4) to insert the following subsection: '(5) All provisions of the Conveyance of Mails Act, 1893, relating to the conveyance of mails on tramways shall apply and have effect in relation to the omnibuses provided under this section as if such omnibuses were carriages on tramways authorised after the first day of January, one thousand, eight hundred and ninety-three; and in line 11, to leave out from the word 'account' to the end of the sub-section.'—(*Lord Hamilton of Dalzell.*)

On Question, Amendments agreed to; Bill passed, and returned to the Commons.

PETITIONS.

EDUCATION (ENGLAND AND WALES) BILL.—Petition against; of inhabitants of parish of Oundle-with-Ashton; read, and ordered to lie on the Table .. 1151

RETURNS, REPORTS, ETC.

ARMY.—Report of the Army Medical Department for the year 1905. Volume 47: Presented (by command), and ordered to lie on the Table .. 1151

WEST HIGHLAND RAILWAY (EXTENSION FROM BANAVIE TO MALLAIG).—Fifth Annual Report by the Board of Trade as to the condition and working of the Banavie to Mallaig Railway, the rates and charges for traffic, and the receipts and expenditure of any company in working the railway, for the year 1905–1906: Laid before the House (pursuant to Act), and ordered to lie on the Table .. 1151

ARMY.—Return respecting: Laid before the House (pursuant to Address of 28th November last), and to be printed. (No. 250.) .. 1152

PALACE OF WESTMINSTER.—The evidence taken before the Select Committee from time to time to be printed, but no copies thereof to be delivered, except to members of the Committee until further order. (No. 251.) .. 1152

Education (England and Wales) Bill.

<i>The Lord Privy Seal (The Marquess of Ripon)</i>	..	..	..	1152
<i>The Marquess of Lansdowne</i>	..	..	..	1153
<i>Lord Balfour of Burleigh</i>	..	..	..	1153

Burials Bill.—Returned from the Commons, with the Amendments agreed to. 1153

Merchant Shipping Acts Amendment (No. 2) Bill.—Returned from the Commons with several of the Amendments agreed to, and one Amendment agreed to, with an Amendment. The said Amendment to be considered on Thursday next 1153

Trade Disputes Bill.—Returned from the Commons with one Amendment agreed to, with an Amendment and a consequential Amendment to the Bill; and several Amendments disagreed to, with reasons for such disagreement, the said Amendments and reasons to be printed, and to be considered Tomorrow. (No. 252.) 1153

Town Tenants (Ireland) Bill.—Bill read 3^a (according to Order).

The Earl of Donoughmore 1153

Amendment moved—

“In Clause 6, page 4, line 17, after the word ‘contrary’ to insert the words ‘unless such agreement was, in the opinion of the Court, reasonable, and not made under direct or indirect compulsion.’”—(*The Earl of Donoughmore.*)

Lord Denman 1154

Lord Ashbourne 1155

The Lord President of the Council (The Earl of Crewe) 1155

On Question, Amendment negatived.

Lord Dunboyne 1156

Amendment moved—

“In Clause 10, page 5, line 14, after the word ‘be’ to insert the words ‘held to be’ and to leave out the word ‘unless’ and insert the word ‘if’; in line 17 to leave out the word ‘reasonable’ and to insert the word ‘unreasonable,’ and to leave out the word ‘without’ and to insert the word ‘under.’”—(*Lord Dunboyne.*)

Lord Denman 1157

Amendment, by leave, withdrawn.

Lord Denman 1157

Lord Ashbourne 1157

Drafting Amendment agreed to.

Amendment moved—

“In page 5, line 26, after the word ‘Act’ to insert the words ‘(3) Any rules under this section should be made after consultation with, or notice of consultation sent to, the President of the Incorporated Law Society.’”—(*Lord Denman.*)

On Question, Amendment agreed to; and Bill passed and returned to the Commons.

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Workmen's Compensation Bill.—House in Committee (according to Order).

[The Earl of ONSLOW in the Chair.]

Clause 1 :—

<i>Lord Amphill</i>	..	..	..	..	..	..	..	..	1158
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Amendment moved—

“ In page 2, line 9, after the word ‘ disallowed ’ to insert the words ‘ insobriety or the wilful breach of any rule printed and published by the employer for the safety and protection of his workmen shall be serious and wilful misconduct within the meaning of this Act. ’ ”—(*Lord Amphill.*)

<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1159
<i>Lord Newton</i>	..	..	..	..	..	..	..	1159
<i>Lord Belper</i>	..	..	..	..	..	..	..	1160

Amendment, by leave, withdrawn.

Clause 1 agreed to.

Clause 2 :—

<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1160
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Amendment moved—

“ In page 3, line 14, after the word ‘ mistake ’ to insert the words ‘ absence from the United Kingdom. ’ ”—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

<i>Lord Belper</i>	..	..	..	..	..	..	..	1161
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Amendment moved—

“ In page 3, line 17, to leave out the words ‘ it is found ’ and to insert the words ‘ the court is satisfied. ’ ”—(*Lord Belper.*)

<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1162
<i>Lord Belper</i>	..	..	..	..	..	..	..	1162
<i>The Lord Chancellor (Lord Lorcburn)</i>	..	..	..	..	..	..	..	1163

Amendment, by leave, withdrawn.

Drafting Amendment agreed to.

Amendment moved—

“ In page 3, line 19, after the word ‘ cause ’ to insert the words ‘ and that the employer is not prejudiced in his defence by the delay in making the claim. ’ ”—(*Lord Belper.*)

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The Lord Chancellor 1165

On Question, Amendment agreed to.

Earl Beauchamp 1165

Amendment moved—

“In page 3, line 23, to leave out the words ‘it was sustained’ and to insert the words ‘the accident happened.’”—(*Earl Beauchamp*.)

On Question, Amendment agreed to.

Earl Beauchamp 1166

Amendment moved—

In page 3, line 41, to leave out from the word ‘and’ to the word ‘and’ in page 4, line 2, and to insert the words, ‘that where the scheme provides for contributions by the workmen, and the scheme confers benefits, at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this Act.’”—(*Earl Beauchamp*.)

On Question, Amendment agreed to.

Lord Inverclyde 1166

Amendment moved—

“In page 4, line 2, after the word ‘that’ to insert the words ‘except in the case of seamen.’”—(*Lord Inverclyde*.)

Earl Beauchamp 1167

Amendment, by leave, withdrawn.

Clause 2, as amended, agreed to.

Clause 3 :—

Earl Beauchamp 1167

Amendment moved—

“In page 4, line 5, to leave out the word ‘those’ and to insert ‘his.’”—(*Earl Beauchamp*.)

On Question, Amendment agreed to.

Lord Inverclyde 1168

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Amendment moved—

“ In page 4, line 10, after the word ‘ Act ’ to insert the following new sub-section : ‘ (2) The Registrar of Friendly Societies may, if required by the employer, grant a provisional certificate for any scheme before ascertaining the views of the workmen, but in such a case the employer shall not contract with any workman that the provisions of the scheme shall be substituted for the provisions of the Act until the Registrar of Friendly societies has, after ascertaining the views of the workmen, further certified that the scheme satisfies all the requirements of this Act.’ ”—(*Lord Inverclyde.*)

Earl Beauchamp 1168

Amendment, by leave, withdrawn.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5 :—

Earl Beauchamp 1168

Amendment moved—

“ In page 6, line 5, to leave out from the first ‘ and ’ to the end of line 7, and to insert the words ‘ upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.’ ”—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Earl Beauchamp 1169

Amendment moved—

“ In page 6, line 17, after the word ‘ exceeding ’ to insert the words ‘ in any individual case.’ ”—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Drafting Amendments agreed to.

Amendment moved—

“ In page 6, line 24, after the word ‘ accordingly ’ to insert the words ‘ Where the compensation is a weekly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed under the First Schedule to this Act.’ ”—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6:—

Lord Inverclyde 1169

Amendment moved—

“In page 7, line 7, after the word ‘compensation’ to insert the words ‘nor the costs of both proceedings.’”—(*Lord Inverclyde*.)

Amendment, by leave, withdrawn.

Clause 6 agreed to.

Clause 7:—

Lord Inverclyde 1170

Amendment moved—

“In page 7, line 25, after the word ‘modifications, to insert the following new paragraph ‘(a) If it is proved that the injury to a seaman is attributable to any offence against discipline by that seaman or to any act or default of that seaman dangerous to the safety of the ship or of the cargo or lives of those on board the ship or that it occurred while the seaman was under the influence of intoxicating liquor any compensation claimed in respect of that injury shall be disallowed.’”—(*Lord Inverclyde*.)

Earl Beauchamp 1170

Lord Avebury 1171

The Earl of Caerperdown 1171

On Question, Amendment negatived.

Earl Beauchamp 1171

Amendment moved—

“In page 7, line 27 after the word ‘may’ to insert the words ‘except where the person injured is the master.’”—(*Earl Beauchamp*.)

On Question, Amendment agreed to.

Amendment moved—

“In page 7, line 32, after the third ‘the’ to insert the word ‘master.’”—(*Earl Beauchamp*.)

On Question, Amendment agreed to.

Drafting Amendments agreed to.

Earl Beauchamp 1172

Amendment moved—

“In page 7, line 33, to leave out the word ‘may’ and to insert the word ‘shall,’ and to leave out the word ‘six’ and to insert the word ‘twelve.’”—(*Lord Inverclyde*.)

<i>Earl Beauchamp</i>	.. .. .	1173
<i>Lord Inverclyde</i>	.. .. .	1173

Amendment, by leave, withdrawn.

Consequential Amendments agreed to.

<i>Lord Inverclyde</i>		1173
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Amendment moved—

“In page 8, line 13, to leave out paragraph (e) and to insert the following new paragraph—‘The weekly payment shall be payable as from the date when the injured seaman or apprentice is brought back to the United Kingdom.’”—(*Lord Inverclyde*.)

<i>Earl Beauchamp</i>		1173
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Amendment, by leave, withdrawn.

Consequential Amendments agreed to.

Amendment moved—

“In page 9, lines 1 to 5, to leave out paragraph (h).”—(*Earl Beauchamp*.)

On Question, Amendment agreed to.

Amendment moved—

“In page 9, line 9, at the end, to insert as a new sub-section—‘(2) This section shall extend to pilots to whom Part X. of the Merchant Shipping Act, 1894, applies, as if a pilot when employed on any such ship as aforesaid were a seaman and a member of the crew.’”—(*Earl Beauchamp*.)

On Question, Amendment agreed to.

Moved, That Clause 7, as amended, stand part of the Bill—(*Earl Beauchamp*.)

<i>Lord Inverclyde</i>	.. .. .	1174
<i>Lord Brassey</i>	.. .. .	1176
<i>Earl Beauchamp</i>	.. .. .	1176
<i>Lord Belper</i>	.. .. .	1177

On Question, Clause 7, as amended, agreed to.

Clause 8:—

<i>The Earl of Lytton</i>		1177
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Amendment moved—

“In page 9, lines 14 and 15, to leave out the words ‘mentioned in the Third Schedule to this Act.’”—(*The Earl of Lytton.*)

<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1181
<i>Lord Ashbourne</i>	..	..	..	..	..	..	..	1182
<i>Lord Newton</i>	..	..	..	..	..	..	..	1182
<i>The Lord Chancellor</i>	..	..	..	..	..	..	..	1183
<i>The Earl of Plymouth</i>	..	..	..	..	..	..	..	1183
<i>The Earl of Lytton</i>	..	..	..	..	..	..	..	1184
<i>The Earl of Meath</i>	..	..	..	..	..	..	..	1184
<i>The Marquess of Ripon</i>	..	..	..	..	..	..	..	1184

On Question, “That the words proposed to be left out stand part of the clause,” their Lordships divided :—Contents, 87 ; Not-Contents, 14.

<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1185
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Amendment moved—

“In page 10, line 7, to leave out the word ‘such’ and to insert the words ‘the requisite.’”—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Drafting Amendments agreed to.

Amendment moved—

“In page 12, line 15, at end to insert the words ‘Where such a company or society has been established, but is confined to employers in any particular locality or of any particular class, the Secretary of State may, for the purposes of this provision treat the industry, as carried on by employers in that locality or of that class, as a separate industry.’”—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Drafting Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9 agreed to.

Clause 10 :—

Amendment moved—

“In page 13, line 13, to leave out ‘either party’ and to insert ‘an employer or workman.’”—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Clause 10, as amended, agreed to.

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Clause 11 :—

Drafting Amendment agreed to.

Clause 11, as amended, agreed to,

Clause 12 :—

Amendment moved—

“In page 14, lines 16 and 17, to leave out ‘summary conviction’ and to insert ‘conviction under the Summary Jurisdiction Acts.’”—
(*Earl Beauchamp*.)

On Question, Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13 :—

The Earl of Lytton 1188

Amendment moved—

“In page 14, line 37, to leave out ‘or an outworker.’”—(*The Earl of Lytton*.)

Earl Beauchamp 1190

Lord Zouche of Haryngworth 1192

Amendment, by leave withdrawn.

The Earl of Camperdown 1193

Amendment moved—

“In page 15, line 12, to leave out from ‘dependent’ to the end of the paragraph.”—(*The Earl of Camperdown*.)

The Lord Chancellor 1194

On Question, Amendment negatived.

Drafting Amendments agreed to.

Clause 13, as amended, agreed to.

Clauses 14, 15, 16 and 17 agreed to.

First Schedule :—

Lord Amphil 1197

Amendment moved—

“In page 18, line 20, to leave out from the beginning of paragraph (ii.) to ‘and’ in line 26, and insert ‘If the workman does not leave any such dependant, but leaves any dependants in part dependent upon

his earnings at the time of his death, such sum as shall represent one hundred and fifty-six times the amount of the average weekly contribution of the deceased towards the maintenance of such dependants for a period of twelve months prior to the date of the accident causing the death.' ”—(*Lord Amphill*.)

<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1197
<i>Lord Zouche of Haryngworth</i>	..	..	..	..	..	..	..	1199
<i>Lord Amphill</i>	..	..	..	..	..	..	..	1200

On Question, Amendment negatived.

<i>The Earl of Camperdown</i>	..	..	..	..	..	..	..	1202
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Amendment moved—

“In page 19, to leave out lines 2 and 3 and insert ‘(a) unless the incapacity arises from a fracture of limb or dislocation of a limb, or loss of an eye, or from any other personal injury which prevents the workman from earning full wages at the work at which he was employed for a period exceeding twenty-one days, no compensation shall be payable in respect of the first week, and.’ ”—(*The Earl of Camperdown*.)

<i>Lord Belper</i>	..	..	..	..	..	..	..	1202
<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1204
<i>The Earl of Camperdown</i>	..	..	..	..	..	..	..	1206

Amendment, by leave, withdrawn.

Amendment moved—

“In page 19, line 2, to leave out the word ‘two’ and insert the word ‘three.’ ”—(*Lord Belper*.)

<i>Lord Ashbourne</i>	..	..	..	..	..	..	..	1207
<i>Lord Belper</i>	..	..	..	..	..	..	..	1207

Amendment, by leave, withdrawn.

<i>Lord Belper</i>	..	..	..	..	..	..	..	1207
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Amendment moved—

“In line 9, after the word ‘shillings,’ to insert ‘(d) in the case of a workman who has, in accordance with regulations made by the Secretary of State, obtained from a medical referee a certificate to the effect that his age or any physical or mental infirmity and incapacity from which he is suffering is such as to render him specially liable to accident, or to render the result of an accident to him specially serious, and who has entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable to him under this Act, the compensation shall not exceed that maximum, but the maximum shall not be less: (i.) Where death results from the injury and the workman leaves any dependant, than twenty-five pounds, or a sum

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equivalent to thirty-nine times his average weekly earnings, whichever is the larger. (ii.) Where total or partial incapacity results from the injury, then a weekly payment during the incapacity after the second week of five shillings or one quarter of his average weekly earnings, whichever is the larger.'"—(*Lord Belper*.)

<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1211
<i>Lord Belper</i>	..	..	..	..	..	..	..	1213
<i>Lord Stalbridge</i>	..	..	..	..	..	..	..	1213

Amendment, by leave, withdrawn.

Amendment moved—

"In page 19, line 9, after the word 'shillings' to insert '(c) In the case of a workman who has in accordance with regulations made by the Secretary of State obtained from a certifying surgeon a certificate to the effect that on account of old age or the loss of an eye, or a limb, or of any other serious physical infirmity or incapacity specified in the regulations, he is specially liable to serious accident if employed in any employment of any class specified in the certificate, and who has entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable to him under this Act, the compensation if payable in respect of an accident happening to the workman whilst employed in an employment of any such class shall not exceed that maximum, but the maximum shall not be less—(i) where death results from the injury and the workman leaves any dependants, than fifty pounds; (ii) where total or partial incapacity for work results from the injury than a weekly payment during the incapacity, of ten shillings; and).'"—(*Earl Beauchamp*.)

On Question, Amendment agreed to.

Drafting Amendment agreed to.

<i>Lord Amphil</i>	..	..	..	..	..	..	..	1214
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Amendment moved—

"In page 20, line 2, after the word 'exceed' to insert the word 'one half of.'"—(*Lord Amphil*.)

<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1216
<i>Lord Newton</i>	..	..	..	..	..	..	..	1216
<i>The Marquis of Ripon</i>	..	..	..	..	..	..	..	1217
<i>Lord Ashbourne</i>	..	..	..	..	..	..	..	1218

On Question, Amendment negatived.

Drafting Amendments agreed to.

<i>Lord Clifford of Chudleigh</i>	..	..	..	..	..	..	..	1218
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Amendment moved—

"In page 22, line 3, to leave out 'both parties' and insert 'either party.'"—(*Lord Clifford of Chudleigh*.)

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<i>Lord Amplehill</i>	..	..	..	..	..	..	..	1219
<i>Lord Newton</i>	..	..	..	..	..	..	..	1220
<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1220
<i>Lord Alverstoke</i>	..	..	..	..	..	..	..	1221
<i>Lord Belper</i>	..	..	..	..	..	..	..	1222
<i>Lord Sanderson</i>	..	..	..	..	..	..	..	1222

On Question, "That the words proposed to be left out stand part of the clause," resolved in the negative.

Proposed words there inserted.

Drafting Amendments agreed to.

Lord Belper 1223

Amendment moved—

“In page 22, line 39, to leave out the third ‘of’ and insert ‘not exceeding.’”—(*Lord Belper.*)

<i>Earl Beauchamp</i>	..	..	..	..	..	..	1224
<i>Lord Clifford of Chudleigh</i>	..	..	..	..	..	..	1224
<i>Lord Belper</i>	..	..	..	..	..	..	1225
<i>Lord Ashbourne</i>	..	..	..	..	..	..	1226

On Question, "That the word 'of' stand part of the clause," their Lordships divided :—Contents, 22 ; Not-Contents, 37.

Proposed words there inserted.

Amendment moved—

“In page 22, line 44, after ‘settled,’ to insert ‘in default of agreement.’” —(*Lord Belper.*)

On Question, Amendment agreed to.

Schedule, as amended, agreed to.

Bill, as amended, reported to the House.

Standing Committee negatived ; the Report of Amendments to be received To-morrow, and Bill to be printed as amended. (No. 253.)

Notice of Accidents Bill.—House in Committee (according to order).

<i>Earl Beauchamp</i>	.	..	..	..	..	..	..	1227
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Bill reported without Amendment: Standing Committee negatived; and
Bill to be read 3^a to-morrow.

Land Tax Commissioners Bill.—House in Committee (according to order).

Clause 1 :—

The Marquess of Ripon 1928

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Amendment moved—

“In line 19, after ‘commissioners’ to insert ‘of the county, shire, or place for which he acts.’”—(*The Marquess of Ripon.*)

On Question, Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2, 3 and 4, agreed to.

Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended), Amendment reported.

Bill read 3^a, with the Amendment, and passed, and returned to the Commons.

Census of Production Bill.—Order of the Day for Second Reading, read.

The Earl of Granard 1229

Moved, “That the Bill be now read 2^a.”—(*The Earl of Granard.*)

The Marquess of Salisbury 1230

The Earl of Granard 1231

On Question, Motion agreed to.

Read 2^a accordingly, and committed to a Committee of the Whole House on Thursday next.

Expiring Laws Continuance Bill.—Order of the Day for Second Reading read.

Moved, “That the Bill be now read 2^a.”—(*Earl Beauchamp.*)

Lord Clonbrock 1231

The Marquess of Ripon 1233

Lord Ashbourne 1233

The Lord President of the Council (The Earl of Crewe) 1235

On Question, Motion agreed to.

Bill read 2^a accordingly, and committed to a Committee of the Whole House to-morrow.

HOUSE OF LORDS OFFICES.—Fourth Report from the Select Committee considered (according to order), and agreed to 1236

National Galleries of Scotland Bill.—Brought from the Commons. Read 1^a, to be printed; and to be read 2^a to-morrow.—(*The Lord Hamilton of Dalziel.*) (No. 254.) 1237

House adjourned at twenty minutes past Eleven o'clock till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS: TUESDAY, 18TH DECEMBER, 1906.

The House met at quarter before Three of the Clock.

MR. SPEAKER'S ABSENCE.—The Clerk at the Table informed the House of the unavoidable absence of MR. SPEAKER from this day's Sitting owing to indisposition.

Whereupon MR. EMMOTT, the Chairman of Ways and Means, proceeded to the Table, and, after Prayers, took the Chair as Deputy-Speaker, pursuant to the Standing Order. 1236

PRIVATE BILL BUSINESS.

Ure Elder Fund Order Confirmation Bill. [LORDS].—Read the third time, and passed, without Amendment 1237

Ardrossan, Saltcoats, and District Tramways Order Confirmation Bill [LORDS]; Dumbartonshire Tramways Order Confirmation Bill [Lords]; Dunfermline and District Tramways Order Confirmation Bill [Lords].—Considered; to be read the third time To-morrow 1237

PETITIONS.

EDUCATION (ENGLAND AND WALES) BILL (RELIGIOUS TEACHING).—Two Petitions from Cardiff, against alteration of Law; to lie upon the Table 1237

PARLIAMENTARY FRANCHISE.—Petitions for extension to women; from Cardiff (four); Derby; East Ham; and North Salford; to lie upon the Table 1237

RETURNS, REPORTS, ETC.

WEST HIGHLAND RAILWAY EXTENSION FROM BANAVIE TO MALLAIG.—Copy presented, of Fifth Annual Report by the Board of Trade as to the condition and working of the Banavie and Mallaig Railway, the rates and charges for traffic and the receipts and expenditure of any company in working the railway, for the year ended 1905-6 [by Act]; to lie upon the Table, and to be printed. [No. 388.] 1237

PAPER LAID UPON THE TABLE BY THE CLERK OF THE HOUSE.—Inquiry into Charities (Administrative County of Devon, Further Return relative thereto [ordered 26th July, 1905; *Mr. Griffith-Boscawen*]; to be printed. [No. 389.] 1238

TIENDS, ETC. (SCOTLAND).—Return ordered, "Of the rental of each county and each parish in Scotland, and of the value of the tiends appertaining thereto, and the value of such portion of them as is now appropriated to the payment of stipend and communion elements, and the value of such of them as are unexhausted by such payments and which still remain available for the future augmentation of minister's stipends. (The information to be given under the head of the respective presbyteries and synods.)" — (*Mr. M'Callum*.) 1238

ESTABLISHED CHURCH (SCOTLAND) (COMMUNICANTS).—Return ordered, "in regard to the Established Church of Scotland giving, in separate columns, the number of male and the number of female communicants on the roll in each parish in Scotland for the year 1905."—(*Mr. M'Callum*.) 1238

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ECCLESIASTICAL EXPENDITURE (SCOTLAND).—Return ordered, “showing 1. As regards each *quoad omnia* and each *quoad sacra* parish in Scotland (1) The amount of expenses incurred for the past ten years in respect of (1) beadies (2) sextons; (3) precentors; (4) pew openers; (5) communion elements not specified in decrees of court; (2) The amount of money voluntarily contributed by congregations or by individuals for the past ten years in payment of (1) building and repairing of kirks and manses; (2) ecclesiastical furniture; (3) organs; (4) heating apparatus; (5) stained glass windows; and (6) seats purchased from own councils, trade incorporations, or others; and (3) the amount of dues received during the past ten years for proclamation of banns of marriage.”—(*Mr. M'Callum.*) 1238

OCCUPIERS OF FARMS (SCOTLAND).—Return ordered, “showing in the subjoined form the number of occupiers of farms (whether owners or tenants), in each county and parish in Scotland, with the gross rental according to the valuation roll, for the year ending at Whitsunday, 1906.

County of
Parish of

Rental.	Numbers of Persons.	Gross Rental as per Valuation Roll.
At £1 and under - - - - -		
Over £1 and at or under £2 - - - - -		
Over £2 and at or under £3 - - - - -		
Over £3 and at or under £4 - - - - -		
Over £4 and at or under £10 - - - - -		
Over £10 and at or under £15 - - - - -		
Over £15 and at or under £20 - - - - -		
Over £20 and at or under £30 - - - - -		
Total not over £30 - - - - -		
Over £30 and at or under £40 - - - - -		
Over £40 and at or under £50 - - - - -		
Total over £30 and not over £50 - - - - -		
Over £50 and at or under £60 - - - - -		
Over £60 and at or under £70 - - - - -		
Over £70 and at or under £80 - - - - -		
Over £80 and at or under £90 - - - - -		
Over £90 and at or under £100 - - - - -		
Over £100 and at or under £150 - - - - -		
Over £150 and at or under £200 - - - - -		
Over £200 and at or under £300 - - - - -		
Over £300 and at or under £400 - - - - -		
Over £400 and at or under £500 - - - - -		
Over £500 and at or under £750 - - - - -		
Over £750 and at or under £1,000 - - - - -		
Over £1,000 and at or under £1,500 - - - - -		
Over £1,500 and at or under £2,000 - - - - -		
Over £2,000 and at or under £2,500 - - - - -		
Over £2,500 and at or under £3,300 - - - - -		
Over £3,300 - - - - -		
Total over £50 - - - - -		
Grand total - - - - -		

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NEW BILL.

Police Superannuation (Scotland) Bill. —"To amend the Police (Scotland) Act, 1890," presented by Mr. M'Crae; supported by Sir Lewis M'Iver, Mr. Cameron Corbett, Mr. Crombie, Mr. Barnes, Mr. Price, and Mr. Dundas White; to be read a second time upon Thursday, and to be printed. [Bill 576.]	
RADIO-TELEGRAPHIC CONVENTION.— <i>Sir Edward Sassoon (Hythe)</i>	1290
<i>Major Seely (Liverpool, Abercromby)</i>	1298

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Motion made, and Question proposed, "That in view of the experimental and undeveloped condition of radio-telegraphy, this House regards with apprehension any engagements hampering the complete freedom of action of the State, and asks His Majesty's Government to grant a Select Committee to inquire into the proposals embodied in the Berlin Convention previous to ratification."—(*Sir Edward Sassoon.*)

<i>Mr. Bellairs (Lynn Regis)</i>	1300
<i>Mr. John O'Connor (Kildare, N.)</i>	1302
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<i>Sir Henry Norman (Wolverhampton, S.)</i>	1315
<i>The Postmaster-General (Mr. Sydney Buxton, Tower Hamlets, Poplar)</i>	1316
<i>Mr. Bonar Law (Camberwell, Dulwich)</i>	1326

Motion, by leave, withdrawn.

Public Trustee Bill [LORDS]

Considered in Committee.

(In the Committee.)

[Mr. EMMOTT in the Chair.]

Clause 1 :

<i>Mr. Wm. Rutherford (Liverpool, West Derby)</i>	1328
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Amendment proposed—

"In page 1, line 6, at end, to insert the words 'for cases where the trust property is sworn to be under the value of five hundred pounds.'—(*Mr. William Rutherford.*)

Question proposed, "That those words be there inserted."

<i>Sir E. Carson (Dublin University)</i>	1329
<i>Mr. R. Pearce (Staffordshire, Leeds)</i>	1330
<i>The Attorney-General (Sir John Walton, Leeds, S.)</i>	1332
<i>Mr. Radford (Islington, E.)</i>	1332
<i>Mr. Cave (Surrey, Kingston)</i>	1333
<i>Mr. Billson (Staffordshire, N.W.)</i>	1334
<i>Mr. J. M. Henderson (Aberdeenshire, W.)</i>	1334
<i>Mr. Wm. Rutherford</i>	1334

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 1, line 9, at end, to add 'But any instruments sealed by him shall not, by reason of his being a corporation sole, be rendered liable to a higher stamp duty than if he were an individual.'"—(*Mr. William Rutherford.*)

Question, "That those words be there added," put and agreed to.

Clause 1, as amended, agreed to.

Clause 2 :—

Mr. Wm. Rutherford — 1336

Amendment proposed—

"In page 1, lines 14 and 15, to leave out the words 'for the purpose of saving expense to persons of small means.'"—(*Mr. William Rutherford.*)

Amendment agreed to.

Mr. Dunn (Cornwall, Camborne) 1336

Amendment proposed—

"In page 1, lines 15 and 16, to leave out the words 'of small value,' and insert the words 'unless the instrument (if any) creating the trust otherwise directs.'"—(*Mr. Dunn.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Sir John Walton 1337

Amendment, by leave, withdrawn.

Mr. Cave 1338

Amendment proposed—

"In page 1, line 18, after the word 'trustee' to insert the words 'in cases where the trust property is of small value.'"—(*Mr. Cave.*)

Question proposed, "That those words be there inserted."

Sir John Walton 1339

Mr. William Rutherford 1339

Question put, and negatived.

Amendment proposed—

"In page 1, line 19, at end to insert—'(e) be appointed to be the administrator of the property of a convict under the Forfeiture for Felony Act, 1870.'"—(*Sir John Walton.*)

Question, "That those words be there inserted," put, and agreed to.

Mr. Dunn 1340

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Amendment proposed—

“In page 2, line 9, after the word ‘property,’ to insert the words ‘or the character or disposition of the cestuique trust or beneficiary.’”
—(*Mr. Dunn.*)

Amendment, by leave, withdrawn.

Mr. William Rutherford 1340

Amendment proposed—

“In page 2, line 11, after the word ‘business’ to insert the words ‘except for the purpose of winding up such business.’”—(*Mr. R. Pearce.*)

Question proposed, “That those words be there inserted.”

Amendment, by leave, withdrawn.

Mr. William Rutherford 1341

Amendment proposed—

“In page 2, lines 13 and 14, to leave out the words ‘for any trust under a deed of arrangement for the benefit of creditors,’”—(*Mr. William Rutherford.*)

Question proposed, “That the words proposed to be left out stand part of the clause.”

Sir John Walton 1341

Amendment, by leave, withdrawn.

Mr. William Rutherford 1342

Amendment proposed—

“In page 2, line 14, to leave out the words ‘nor the administration of any insolvent estate.’”—(*Mr. William Rutherford.*)

Question proposed, “That the words proposed to be left out stand part of the clause.”

Sir John Walton 1342

Amendment, by leave, withdrawn.

Amendment proposed—

“In page 2, line 14, to leave out the words ‘insolvent estate,’ and to insert the words ‘estate known or believed by him to be insolvent.’”
—(*Mr. Micklem.*)

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 :—

Mr. William Abraham 1313

Amendment proposed—

“In page 2, line 22, to leave out the words ‘apply to,’ and insert the words ‘an order of.’”—(*Mr. William Rutherford.*)

Question proposed, “That the words proposed to be left out stand part of the clause.”

Sir J. Walton 1343

Amendment, by leave, withdrawn.

Amendment proposed—

“In page 2, line 22, to leave out the words ‘entitled to apply to,’ and insert the words ‘who in the opinion of the public trustee would be entitled to an order of.’”—(*Sir John Walton.*)

Question proposed, “That the words proposed to be left out stand part of the clause.”

Mr. Micklem 1343
Mr. Bertram (Herts, Hitchin) 1344
Mr. R. Pearce 1344
Sir John Walton 1344

Amendment, by leave, withdrawn.

Amendment proposed—

“In page 2, line 22, to leave out the words ‘entitled to apply to,’ and to insert the words ‘in the opinion of the public trustee would be entitled to apply for an order of.’”—(*Sir John Walton.*)

Question proposed, “That the words proposed to be left out stand part of the clause.”

Mr. William Rutherford 1344

Question put and negatived.

Words proposed there inserted.

Amendments proposed—

“In page 2, line 23, after the second ‘the’ to insert the word ‘gross.’”

“In page 2, line 27, after the word ‘persons’ to insert the words ‘other than creditors.’”—(*Mr. Micklem.*)

Amendments agreed to.

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Amendment proposed—

“ In page 2, line 27, after the word ‘ creditors ’ to insert the word ‘ beneficially.’ ”

Question, “ That the word ‘ beneficially ’ be there inserted,” put, and agreed to.

Mr. William Rutherford 1345

Amendment proposed—

“ In page 2, line 28, after the word ‘ means ’ to insert the words ‘ and that the estate would be likely to be mal-administered otherwise.’ ”
—(*Mr. William Rutherford.*)

Question proposed, “ That the words be there inserted.”

Sir John Walton 1346

Mr. William Rutherford 1346

Question put, and negatived.

Mr. Bertram 1346

Amendment proposed—

“ In page 2, line 32, to leave out from the word ‘ estate ’ and to insert the words ‘ trust property other than stock.’ ”—(*Mr. Bertram.*)

Question proposed, “ That the words proposed to be left out stand part of the clause.”

Question put, and negatived.

Amendment proposed—

“ In page 2, line 35, to leave out the word ‘ a,’ and insert the words ‘ as if vesting orders had been made.’ ”—(*Mr. Bertram.*)

Amendment agreed to.

Mr. Micklem 1347

Amendment proposed—

“ In page 2, line 37, at end, to add the words, ‘ and from such vesting any trustee entitled under the trust to administer the estate shall be discharged from all liability attaching to the administration, except in respect of past acts.’ ”—(*Mr. Micklem.*)

Question proposed, “ That the words be there inserted.”

Mr. William Rutherford 1347

Amendment proposed—

“ In page 2, line 28, to leave out sub-section (3).”—(*Mr. William Rutherford.*)

Question proposed, “ That the words proposed to be left out stand part of the clause.”

<i>Sir John Walton</i>	1348
<i>Mr. Bertram</i>	1349
<i>Mr. J. M. Henderson</i>	1349
<i>M. William Rutherford</i>	1349
<i>Mr. Dunn</i>	1349

Amendment, by leave, withdrawn.

Amendment proposed—

“ In page 2, line 39, after the first ‘ the ’ to insert the word ‘ administration.’ ”—(*Mr. Dunn.*)

Amendment agreed to.

<i>Mr. William Rutherford</i>	1350
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Amendment proposed—

“ In page 3, line 3, to leave out from the word ‘ administration ’ to end of sub-section.”—(*Mr. William Rutherford.*)

Question proposed, “ That the word proposed to be left out stand part of the clause.”

<i>Sir John Walton</i>	1350
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Amendment, by leave, withdrawn.

<i>Mr. Dunn</i>	1351
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Amendment proposed—

“ In page 3, lines 7 and 8, to leave out the words ‘ small value of the estate,’ and insert the words ‘ Estate being less than £1,000.’ ”—(*Mr. Dunn.*)

Question proposed, “ That the word ‘ small ’ stand part of the Clause.”

<i>Sir John Walton</i>	1351
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Amendment, by leave, withdrawn.

Motion made, and Question proposed, “ That Clause 3, as amended, stand part of the Bill.”

<i>Mr. William Rutherford</i>	1352
<i>Sir Edward Carson</i>	1352

Question put and agreed to.

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Clause 4 :—

Mr. Micklem 1352

Amendment proposed—

“ In page 3, line 23, after the word ‘ trustee ’ to insert the words ‘ in any case where the Court shall be of opinion that, having regard to the nature of the trust estate, or its protection or security or the wishes of the beneficiaries, such an appointment is desirable. ’ ”—(*Mr. Micklem.*)

Question proposed, “ That those words be there inserted.”

Sir John Walton 1353

Question put, and negatived.

Mr. William Rutherford 1353

Amendment proposed—

“ In page 3, line 25, to leave out sub-section (c). ”—(*Mr. William Rutherford.*)

Question proposed, “ That the words proposed to be left out stand part of the clause.”

Mr. Eugene Wason (Clackmannan and Kinross) 1354

Sir E. Carson 1354

Mr. Micklem 1354

Amendment negatived.

Amendment proposed—

“ In page 3, line 25, after the word ‘ trustees ’ to insert the words ‘ if expressly authorised in that behalf by the will, settlement, or other instrument creating the trust. ’ ”—(*Mr. Micklem.*)

Question proposed, “ That those words be there inserted.”

Sir E. Carson 1354

Sir John Walton 1354

Mr. J. M. Henderson 1355

Mr. William Rutherford 1355

Question put.

The Committee divided :—Ayes, 17 ; Nces, 213. (Division List No. 500.)

Amendment proposed—

“ In page 3, line 34, to leave out sub-section (b) and insert, ‘ (b) As between the custodian trustee and the managing trustees, and subject and without prejudice to the rights of any other persons, the custodian trustee shall have the custody of all documents of title relating to the trust property. ’ ”—(*Mr. Micklem.*)

Question proposed, "That sub-section (b) of Clause 4 stand part of the Clause."

Mr. William Rutherford 1357

Question put, and negatived.

Question proposed, "That those words be there inserted."

Mr. Bertram 1357

Amendment proposed to the proposed Amendment—

"In lines 3, after the word 'all,' to insert 'securities and.'—(*Mr. Bertram.*)

Question, "That those words be there inserted in the proposed Amendment," put, and agreed to.

Words proposed, as amended, there inserted.

Amendment proposed—

"In page 3, line 35, at end, to insert the words, 'but all interested parties, including the ordinary trustees and the managing trustees, shall have free access thereto, and be entitled to take copies or extracts thereof.'"—(*Mr. William Rutherford.*)

Sir John Walton 1359

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 3, line 35, at the end, to insert the words, 'but the managing trustees shall have free access thereto, and be entitled to take copies or extracts thereof.'"—(*Mr. William Rutherford.*)

Question, "That those words be there inserted," put, and agreed to.

Mr. William Rutherford 1359

Amendment proposed—

"In page 4, to leave out lines 10 to 14 inclusive."—(*Mr. William Rutherford.*)

Amendment agreed to.

Amendments proposed—

"In page 4, line 14, to leave out sub-section (e)." — (*Mr. Mickleth.*)

"In page 4, line 28, after the word 'direct,' to insert the words 'or into such bank to the credit of such person as they may direct.'"—(*Mr. William Rutherford.*)

"In page 5, line 16, to leave out sub-section (3), and insert, ' (3) The provisions of this section shall apply to any banking or insurance company or other body corporate entitled by rules made under this Act to act as custodian trustee, with power for such company or body corporate to charge and retain or pay out of the trust property fees not exceeding the fees chargeable by the public trustee as custodian trustee.'"—(*Mr. Micklem.*)

Amendments agreed to.

Mr. Dunn 1360

Amendment proposed—

"In page 5, line 31, to insert the words, ' Provided that any solicitor may be appointed custodian trustee provided he gives security for the due administration of the trust in such manner and for such amount as the order making the appointment shall direct.'"—(*Mr. Dunn.*)

Question proposed, "That those words be there inserted."

Sir John Walton 1360

Amendment, by leave, withdrawn.

Clause 4, agreed to as amended.

Clause 5 :—

Amendment proposed—

"In page 5, line 41, after the words ' new trustee,' to insert the words ' or as an additional trustee.'"—(*Mr. Hills.*)

Amendment agreed to.

Amendment proposed—

"In page 6, line 9, to leave out sub-section (3)."—(*Mr. Dunn.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Sir E. Carson 1361

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 6, line 12, to leave out the words ' unless the court otherwise order.'"—(*Mr. Micklem.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Amendment negatived

Amendment proposed—

“ In page 6, line 20, to leave out the words ‘ one week,’ and insert the words ‘ twenty-one days.’ ”—(*Mr. Micklem.*)

Amendment agreed to.

Amendment proposed—

“ In page 6, line 23, to leave out from the word ‘ made,’ to end of sub-section, and insert the words ‘ a person dealing in good faith with the public trustee is not concerned to inquire respecting the giving of any such notice as is required by this section.’ ”—(*Mr. Micklem.*)

Amendment, by leave, withdrawn.

Amendments proposed—

“ In page 6, line 26, after the word ‘ trustee,’ to insert the word or.’ ”

“ In page 6, line 26, to leave out the words ‘ or next person in the entail.’ ”

“ In page 6, line 27, to leave out the word ‘ in,’ and to insert the word ‘ under.’ ”—(*Mr. Micklem.*)

“ In page 6, line 30, alter the word ‘ accordingly,’ to insert the words ‘ even though there is no vacancy.’ ”—(*Mr. Hills.*)

Amendments agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 8 :—

Mr. R. Pearce 1363

Amendment moved—

“ In page 7, line 36, at the end, to add the words ‘ But no such appointment shall be made, nor salary or fees be provided out of taxes, while the other charges on such taxes exceed £100,000.000 in the year.’ ”

Question proposed, “ That those words be there inserted.”

Mr. William Rutherford 1366

Question put, and negatived.

Mr. Radford 1367

Amendment proposed—

“ In page 7, line 37, to leave out from the beginning to the word ‘ may ’ in line 39, and to insert the words ‘ The appointment of officers of the public trustee not already in the public service shall be governed by the Order in Council of the fourth day of June, One thousand eight

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hundred and seventy, establishing the system of open competition for posts in the Civil Service of the Crown, and such officers shall be appointed by the Treasury."—(*Mr. Radford.*)

Question proposed, "That the words proposed to be left out stand part of the clause," put, and agreed to without a division.

Sir John Walton 1367

Amendment negatived.

Clause 8, as amended, agreed to.

Committee report Progress; to sit again to-morrow.

Public Health (Regulations as to Food) Bill.—Order for Second Reading read and discharged. Bill withdrawn 1368

MESSAGE FROM THE LORDS.—That they have agreed to—Recorders, Stipendiary Magistrates, and Clerks of the Peace Bill, with an Amendment; Edinburgh Suburban Electric Tramways Order Confirmation Bill; Town Tenants (Ireland) Bill, with Amendments 1338

Town Tenants (Ireland) Bill.—Lords' Amendments to be considered To-morrow, and to be printed. [Bill 377.] 1368

Recorders, Stipendiary Magistrates, and Clerks of the Peace Bill.—Lords' Amendments to be considered forthwith; considered and agreed to 1368

Whereupon Mr. DEPUTY-SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at a quarter before Twelve o'clock.

HOUSE OF LORDS: WEDNESDAY, 19TH DECEMBER, 1906.

AIRTH PEERAGE.—Petition of Robert Barclay Allardice Barclay Allardice for leave to lodge his printed case on or before the third sitting day after the next ensuing meeting of Parliament, read, and ordered as prayed .. 1369

PRIVATE BILL BUSINESS.

Ure Elder Fund Order Confirmation Bill [H.L.].—Ardrossan, Saltcoats and District Tramways Order Confirmation Bill [H.L.]; Dunfermline and District Tramways Order Confirmation Bill [H.L.]; Dumbartonshire Tramways Order Confirmation Bill [H.L.].—Returned from the Commons agreed to 1369

Recorders, Stipendiary Magistrates, and Clerks of the Peace Bill.—Returned from the Commons with the Amendments agreed to .. 1369

Edinburgh Suburban Electric Tramways Order Confirmation Bill.—Returned from the Commons with the Amendments agreed to .. 1369

RETURNS, REPORTS, ETC.

WORKMEN'S COMPENSATION.—Statistics of proceedings under the Workmen's Compensation Acts, 1897 and 1900, and the Employers' Liability Act, 1880, during the year 1905; (presented by Command), and ordered to lie on the Table 1369

Town Tenants (Ireland) Bill.—Returned from the Commons with several of the Amendments agreed to, with one Amendment agreed to, with an Amendment, and certain other Amendments disagreed to, with reasons for such disagreement; The said Amendments and reasons to be printed; and to be considered To-morrow. [No. 255.) 1369

Education (England and Wales (Bill.

Moved, "That the Standing Order No. XXI. be considered in order to its being dispensed with, and that the adjourned debate on the Bill have precedence of other Notices and Orders of the Day."—(*The Marquess of Ripon.*)

On Question, Motion agreed to, and ordered accordingly.

Order for the Day read for resuming the adjourned debate on the Motion that the Commons' reasons for disagreeing with the Lords' Amendments be now considered, and on the Amendment moved by the Marquess of Lansdowne to the foregoing Motion, viz., to leave out all the words after "That" for the purpose of inserting the following words, viz. :—

"This House (1) records its protest against the innovation in constitutional procedure by which the Commons have rejected the whole of the Lords' Amendments to the Education Bill, including those proposed by His Majesty's Ministers, without assigning, in any case, specific reasons for the rejection of those Amendments; and (2) adjourns the consideration of the Commons' message in order to afford His Majesty's Government an opportunity of making a definite statement to the House as to the course which His Majesty's Government are prepared to recommend to the House of Commons with regard to each material Amendment to the Bill."

The Marquess of Lansdowne 1370

Amendment, by leave, withdrawn; and the following Resolution moved in lieu thereof, viz., "Before considering the Commons' reason this House records its protest against the innovation in Constitutional procedure by which the Commons have rejected the whole of the Lords' Amendments to the Education Bill, including those proposed by His Majesty's Ministers, without assigning, in any case, specific reasons for the rejection of those Amendments."—(*The Marquess of Lansdowne.*)

The Lord Privy Seal (The Marquess of Ripon) 1371

On Question, "That the words proposed to be left out stand part of the Motion," their Lordships divided :—Contents, 52; Not-Contents, 138.

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On Question, "That the proposed words be there inserted," resolved in the affirmative.

Commons reason considered.

The Marquess of Lansdowne 1375

Moved, "That this House do insist upon its Amendments to which the Commons have disagreed."—(*The Marquess of Lansdowne*.)

The Lord President of the Council (The Earl of Crewe) 1382

The Lord Archbishop of Canterbury 1404

The Duke of Devonshire 1391

Viscount Goschen 1407

The Duke of Norfolk 1411

The Marquess of Ripon 1412

On Question, "That this House do insist on its Amendments to which the Commons have disagreed," their Lordships divided :—Contents, 132 ; Not-Contents, 52.

A Committee appointed to prepare a reason for the Lords insisting on their Amendments. The Committee to meet forthwith.

Land Tenure Bill.—Amendments reported (according to order).

The President of the Board of Agriculture and Fisheries (Earl Carrington) 1417

Amendment moved—

"In page 1, to leave out the words 'the Tenure of Land,' and insert the words 'Agricultural Holdings.'"—(*Earl Carrington*.)

Amendment agreed to.

Amendments moved—

"In page 1, to leave out lines 5 and 6."—(*Earl Carrington*.)

"In page 1, line 7, after the second 'one,' to insert the words, 'of the Agricultural Holdings Act, 1900.'"—(*Earl Carrington*.)

Amendments agreed to.

The Duke of Northumberland 1418

Amendment moved—

"In page 1, line 18, after the word 'tenant,' to insert the words, 'such sum shall in no case exceed the fair value of the labour expended or the outlay incurred by the outgoing tenant.'"—(*The Duke of Northumberland*.)

Earl Carrington 1420

Viscount St. Aldwyn 1420

Amendment, by leave, withdrawn.

Amendment moved—

“ In page 1, line 22, to leave out the words, ‘ any customer,’ and to insert the word ‘ the.’ ”—(*Earl Carrington.*)

Amendment agreed to.

Amendment proposed—

“ In page 1, lines 22 and 23, to leave out the words ‘ to be determined by,’ and insert the words ‘ referred to.’ ”—(*Earl Carrington.*)

Amendment agreed to

Amendments proposed—

“ In page 2, line 7, to leave out the word ‘ section,’ and to insert the word ‘ sub-section.’ ”

“ In page 2, lines 10 to 13, to leave out sub-section (3) and to insert the words ‘ (3) The following rule shall be substituted for rule (10) in Part I. of the Second Schedule to the Agricultural Holdings Act, 1900 : —The arbitrator shall, on the application of either party, specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award, and the award shall fix a day not sooner than one month or later than two months after the delivery of the award for the payment of the money awarded as compensation, costs, or otherwise, and shall be in such form as may be prescribed by the Board of Agriculture and Fisheries.”—(*Earl Carrington.*)

Amendments agreed to.

<i>The Earl of Kintore</i>	..	..	..	..	..	..	..	1422
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Amendment moved—

“ In page 2, line 16, after the word ‘ landlord ’ to insert the words ‘ and which the tenant has not permission in writing to kill.’ ”—(*The Earl of Kintore.*)

<i>Earl Carrington</i>	..	..	..	..	..	..	..	1423
<i>Lord Balfour of Burleigh</i>	..	..	..	..	..	..	..	1423

Amendment agreed to.

<i>Earl Carrington</i>	..	..	..	..	..	..	..	1423
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[Amendments moved—

“ In page 2, line 26, to leave out the words ‘ claim for compensation ’ and insert the word ‘ damage.’ ”

“ In page 2, line 28, after the word ‘ and ’ to insert the words ‘ a reasonable opportunity is given to the landlord to inspect the damage. ”

“ In page 2, lines 29 and 30, to leave out the words ‘ at least three weeks.’ ”

"In page 2, line 30, to leave out from the word 'is' to the word 'and' in line 33, and insert the words 'begun to be reaped, raised, or consumed.'"

"In part 2, lines 34 and 35, to leave out the words 'at least one week.'"

"In page 2, line 35, after the word 'is' to insert the words 'begun to be.'"

"In page 2, line 36, to leave out the words 'written particulars of the claim are' and insert the words 'notice in writing of the claim, together with the particulars thereof, is.'"

"In page 2, line 37, to leave out the word 'year' and insert the words 'calendar year, or such other period of twelve months as by agreement between the landlord and tenant may be substituted therefor.'"

"In page 2, lines 40 and 41, to leave out the words 'whether made before or after the commencement of this Act.'"—(*Earl Carrington.*)

Amendments agreed to.

Amendment moved—

"In page 3, line 14, to leave out the word 'or' and insert the word 'and.'"—(*Earl Carrington.*)

Amendment agreed to.

Amendments proposed—

"In page 3, lines 23 and 24, to leave out the words 'produced upon the holding.'"

"In line 25, after the word 'land' to insert the words 'on his holding.'"—(*Earl Carrington.*)

Earl Carrington 1425

Amendment agreed to.

Earl Carrington 1426

Amendment moved—

"In page 3, lines 25 and 26, to leave out the words 'generally recognised in the district as good husbandry in respect of land of a like character.'"—(*Earl Carrington.*)

Lord Balfour of Burleigh 1426

Amendment moved—

"In page 3, lines 25 and 26, to leave out the words 'generally recognised in the district as good husbandry in respect of land of a like character' and insert the words 'consistent with the principles of good husbandry.'"—(*Lord Balfour of Burleigh.*)

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<i>Lord Balfour of Burleigh</i>	..	..	..	..	..	..	..	1437
<i>Viscount St. Aldwyn</i>	..	..	..	..	..	..	..	1437
<i>Earl Carrington</i>	..	..	..	..	..	..	..	1438

On Question, after a division had been challenged, but not persisted in,

Amendments agreed to.

Drafting Amendments agreed to.

<i>Earl Carrington</i>	..	..	..	..	..	..	..	1438
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Amendment moved—

“In page 4, lines 20 to 29, to leave out sub-section (5).”—(*Earl Carrington.*)

<i>The Earl of Wemyss</i>	..	..	..	..	..	..	..	1439
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On Question, Amendment agreed to.

<i>The Earl of Wemyss</i>	..	..	..	..	..	..	..	1439
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Amendment moved—

“In page 4, line 20, to leave out from beginning of clause to ‘by’ in line 32.”—(*The Earl of Wemyss.*)

<i>Earl Carrington</i>	..	..	..	..	..	..	..	1442
<i>The Earl of Feversham</i>	..	..	..	..	..	..	..	1445
<i>The Lord Chancellor (Lord Loreburn)</i>	..	..	..	..	..	..	..	1446
<i>Viscount St. Aldwyn</i>	..	..	..	..	..	..	..	1446
<i>The Duke of Northumberland</i>	..	..	..	..	..	..	..	1447
<i>Lord Barnard</i>	..	..	..	..	..	..	..	1451
<i>The Marquess of Lansdowne</i>	..	..	..	..	..	..	..	1452

On Question, “That the words proposed to be left out stand part of the clause.” their Lordships divided :—Contents, 76 ; Not-Contents, 18.

Amendment moved—

“In line 4, after the word ‘stock,’ to insert the words ‘on or used in connection with the holding,’ and also to insert the words ‘Provided that no compensation under this section shall be payable—(a) unless the tenant has given to the landlord a reasonable opportunity of making a valuation of such goods, implements, produce, and stock as aforesaid ; or (b) unless the tenant has, within two months after he has received notice to quit or a refusal to grant a renewal of the tenancy as the case may be, given to the landlord notice in writing of his intention to claim compensation under this section ; or (c) where the tenant with whom a contract of tenancy was made has died within three months before the date of the notice to quit, or in the case of a lease for years before the refusal to grant a renewal ; or (b) if the claim for compensation is not made within three months after the time at which the tenant quits the holding.’”—(*Earl Carrington.*)

On Question, Amendment agreed to.

<i>The Duke of Northumberland</i>	1454
<i>Viscount St. Aldwyn</i>	1455
<i>Earl Carrington</i>	1455
<i>Viscount St. Aldwyn</i>	1456

Amendment moved—

“To insert the following new paragraph: ‘(e) in the case of leases for fourteen or more years current at the passing of this Act.’”—
(*Viscount St. Aldwyn*.)

<i>Earl Carrington</i>	1457
<i>Lord Balfour of Burleigh</i>	1457

On Question, Amendment agreed to.

<i>Lord Balfour of Burleigh</i>	1459
<i>The Duke of Northumberland</i>	1460

Amendment moved—

“In page 5, line 30, after the word ‘intention,’ to insert the words ‘together with particulars of such repairs.’”—(*The Duke of Northumberland*.)

On Question, Amendment agreed to.

Amendment moved—

“In page 5, line 33, to leave out the word ‘at,’ and insert the words ‘within one month.’”—(*Earl Carrington*.)

<i>The Earl of Camperdown</i>	1460
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On Question, Amendment agreed to.

Amendment moved—

“In page 6, lines 5 and 6, to leave out the words ‘and in its application to Scotland on the first removal term day thereafter.’”—(*Earl Carrington*.)

<i>Earl Carrington</i>	1461
<i>Lord Saltoun</i>	1461

On Question, Amendment agreed to.

<i>Earl Carrington</i>	1462
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Amendment moved—

“To insert as a new clause, ‘In Scotland—(a) So much of the Ground Game Act, 1880, as limits the number or prescribes the classes of persons who may be authorised under that Act to kill or take ground

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game otherwise than with firearms shall be repealed; (b) Any agreement made after the commencement of this Act by which an incoming tenant undertakes to pay to the outgoing tenant any compensation payable to him for improvements shall be void.'—(*Earl Carrington.*)

<i>The Earl of Camperdown</i>	..	..	..	..	..	..	1462
<i>Earl Carrington</i>	..	..	..	..	..	..	1463
<i>The Earl of Camperdown</i>		..	..	..	..	..	1463
<i>The Earl of Crewe</i>	..	..	..	..	..	..	1463

On Question, Amendment negatived.

Then (Standing Order No. 39 having been suspended) : Bill read 3^a, with the Amendments, and passed, and returned to the Commons.

AGRICULTURAL EDUCATION.

[illegible]

Trade Disputes Bill.—Commons' Amendments to Lords' Amendments, and reasons for disagreeing to certain of the Lords' Amendments considered (according to order).

<i>Lord Balfour of Burleigh</i>	..	..	..	..	..	..	1465
<i>The Lord Chancellor</i>	..	..	..	..	..	..	1466
<i>The Earl of Donoughmore</i>	..	..	..	..	..	..	1467

On Question, Commons' Amendments to Lords' Amendments agreed to, and the Lords' Amendments to which the Commons have disagreed not insisted on.

Workmen's Compensation Bill.—Amendments reported (according to order).

<i>Lord Belper</i>	..	..	..	..	..	..	..	1467
<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1467

Amendment moved—

“ In page 3, line 20, to strike out after the word ‘ cause ’ to the end of the sub-section.”—(*Lord Belper.*)

On Question, Amendment agreed to.

Drafting Amendment agreed to.

Earl Beauchamp 1469

Amendment moved—

“ In page 10, line 8, after ‘ furnished ’ to insert the words ‘ or is not sufficient to enable that employer to take proceedings under the next following proviso. ’ ”—(*Earl Beauchamp.*)

Lord Belper 1470

<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1470
<i>Lord Belper</i>	..	..	..	..	..	..	..	1470

“ In page 23, line 16, to insert the words “ Provided that nothing in this paragraph shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum.”—*(Earl Beauchamp.)*

Drafting Amendments agreed to.

<i>Lord Kinnaird</i>	..	..	..	..	..	..	..	1471
<i>Earl Beauchamp</i>	..	..	..	..	..	..	..	1472

Then (Standing Order No. XXXIX., having been suspended); Bill read
3^d with the Amendments, and passed, and returned to the Commons.

Notice of Accidents Bill.—Read 3^a (according to order).

Earl Beauchamp 1472

Amendment moved—

“In page 3, line 29, after the word ‘workshop’ to insert the words ‘including any place which for the purpose of the provisions of the Factory and Workshop Act, 1901, with respect to accident, is a factory or workshop, or is included in the word ‘factory’ or ‘workshop,’ or is part of a factory or workshop.’”—(*Earl Beauchamp,*)

On Question. Amendment agreed to.

Earl Beauchamp 1473

Amendment moved—

"In page 4, line 9, after the word 'seven' to insert the words 'but the Secretary of State may appoint a later date not being later than the first day of January, one thousand nine hundred and eight, for any special provision of the Act to come into operation, and if a later date is so appointed, that special provision shall not come into operation until that later date.'"—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Bill passed, and returned to the Commons.

Education (Provision of Meals) Bill.—Order of the Day for the Second Reading read.

The Earl of Crewe 1473

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Moved, "That the Bill be now read 2^a."—(*The Earl of Crewe*.)

<i>Earl Cawdor</i>	..	..	..	..	..	..	..	1479
<i>Lord Avebury</i>	..	..	..	..	..	..	..	1481
<i>Lord Balfour of Burleigh</i>	..	..	..	..	..	..	..	1481
<i>The Earl of Crewe</i>	..	..	..	..	..	..	..	1481

On Question, Motion agreed to. Bill read 2^a accordingly, and committed to a Committee of the Whole House To-morrow.**Expiring Laws Continuance Bill.**—House in Committee according to order.

Clauses 1 and 2 agreed to.

Schedule :—

<i>The Earl of Granard</i>	..	..	..	..	..	..	..	1482
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Amendment moved—

"In the Schedule, page 3, to leave out lines 52 to 54."—(*The Earl of Granard*.)

On Question, Amendment agreed to.

Schedule, as amended, agreed to.

Standing Committee negatived. Then (Standing Order No. XXXIX, having been suspended), Amendment reported ; Bill read 3^a, with the Amendment, and passed, and returned to the Commons.**National Galleries of Scotland Bill.**—Order of the Day for the Second Reading read.

<i>Lord Hamilton of Dalzell</i>	..	..	..	..	..	..	..	1482
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Moved, "That the Bill be now read 2^a."—(*Lord Hamilton of Dalzell*.)

On Question, agreed to.

<i>Lord Hamilton of Dalzell</i>	..	..	..	..	..	..	..	1484
<i>Lord Balfour of Burleigh</i>	..	..	..	..	..	..	..	1484

Bill committed to a Committee of the Whole House To-morrow.

Education (England and Wales) Bill.—Report from the Committee of the reason to be offered to the Commons for the Lords insisting on their Amendments ; read, and agreed to ; and a message sent to the Commons to return the Bill with the reason 1484

House adjourned at a quarter past One o'clock a.m. till a quarter past Four o'clock p.m.

HOUSE OF COMMONS: WEDNESDAY, 19th DECEMBER, 1906.

The House met at a quarter before Three of the Clock.

MR. SPEAKER'S INDISPOSITION.—The Clerk at the Table informed the House of the unavoidable absence of Mr. SPEAKER from this day's Sitting, owing to indisposition.

Whereupon Mr. EMMOTT, the Chairman of Ways and Means, proceeded to the Table, and, after Prayers, took the Chair as Deputy-Speaker, pursuant to the Standing Order 1485

PRIVATE BILL BUSINESS.

Edinburgh Suburban Electric Tramways Order Confirmation Bill.—Lords' Amendments considered, and agreed to. 1485

Ardrossan, Saltcoats, and District Tramways Order Confirmation Bill [LORDS]; Dumbartonshire Tramways Order Confirmation Bill [Lords]; Dunfermline and District Tramways Order Confirmation Bill [Lords].—Read the third time, and passed, without Amendment 1485

PETITIONS.

PARLIAMENTARY ELECTIONS (SECOND BALLOT).—Petition from Govan, for legislation; to lie upon the Table 1485

SALE OF INTOXICATING LIQUORS ON SUNDAY BILL.—Petition from Shifnal, in favour; to lie upon the Table 1485

RETURNS, REPORTS, ETC.

REMUNERATION OF THE CONSULTING ENGINEERS TO CROWN COLONIES AND PROTECTORATES.—Address for "Return showing, in regard to the Remuneration received by the Consulting Engineers to the Crown Colonies and Protectorates for their services in connection with the construction of railways which have been undertaken upon their recommendation, (1) what has been the amount of their Remuneration from this source during the last ten years; (2) how it is assessed; and (3) from what fund or funds it has been paid."—(*Mr. Walker.*) 1486

UNEMPLOYED WORKMEN ACT, 1905.—Return ordered, "as to the proceedings of Distress Committees under The Unemployed Workmen Act, 1905, in England and Wales, up to the 31st day of March, 1906."—(*Mr. John Burns.*) 1486

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

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PUBLIC PETITIONS COMMITTEE.—Eighth Report brought up, and read; to lie upon the Table, and to be printed	1530

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Town Tenants (Ireland) Bill.—Order read for the consideration of the Lords' Amendments.*The Chief Secretary for Ireland (Mr. Bryce, Aberdeen, S.)* 1531

Motion made, and Question proposed, "That the Lords' Amendments be now considered."

Mr. John Redmond (Waterford) 1533*Mr. Walter Long (Dublin, S.)* 1537

Question put, and agreed to.

Lords' Amendment, "In page 1, line 9, after the word 'made' to insert the words 'subsequent to the date of the passing of this Act,'" read a second time.

The Attorney-General for Ireland (Mr. Cherry, Liverpool, Exchange) .. 1538Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Cherry.*)*Sir E. Carson (Dublin University)* 1540*Mr. Clancy (Dublin County, N.)* 1543*Mr. William Redmond (Clare, E.)* 1545*Mr. Barrie (Londonderry, N.)* 1546*Sir F. Banbury (City of London)* 1547*Mr. Gwynn (Galway)* 1548*Mr. T. L. Corbett (Down, N.)* 1548*Mr. Charles Craig (Antrim, S.)* 1549*Mr. Bryce* 1550*Viscount Castlereagh (Maidstone)* 1552*Mr. Verney (Buckinghamshire, N.)* 1552*Mr. Sloan (Belfast, S.)* 1553

Question put.

The House divided :—Ayes, 265 ; Noes, 36. (Division List No. 501.)

Lords' Amendment, "In page 1, line 13, after the word 'landlord' to insert the words 'Provided always that the sum to be awarded as compensation for any improvement shall in no case exceed the capitalised value of such addition to the letting value of such holding as the Court shall determine to be the direct result of such improvement,'" read a second time.

Mr. Bryce 1557Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."—(*Mr. Bryce.*)*Mr. Clancy* 1557

Question put, and agreed to.

Lords' Amendment, "In page 1, line 20, after the word 'consideration' to insert the words 'the time during which the tenant may have enjoyed the advantage of the improvement and,' read a second time.

Mr. Cherry 1557

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."—(*Mr. Cherry.*)

Mr. Clancy 1558
Mr. Byles (Salford, N.) 1559
Mr. John O'Connor (Kildare, N.) 1559
Mr. John Redmond 1560
Mr. Bryce 1561

Question put and agreed to.

Lords' Amendments, "In page 2, lines 6 and 7, leave out the words 'made either before or after the passing of this Act'; in lines 13 and 14 leave out the words 'whether before or after the passing of this Act'; and lines 17 and 18 leave out the words 'whether before or after the passing of this Act,'" read a second time.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendments," put, and agreed to.

Lords' Amendment, "In page 2, line 19, after the word 'consideration,' to insert the words 'including a building lease,'" read a second time, and agreed to.

Lords' Amendment, "In page 2, lines 20 to 23, to leave out sub-section (5)," read a second time.

Motion made, and Question, "That this House doth disagree with the Lords in the said Amendment," put, and agreed to.

Consequential Lords' Amendments to the Amendment, in page 2, line 27, disagreed to.

Lords' Amendment, "In page 2, line 27, to leave out the word 'or' and insert the word 'and,'" the next Amendment, read a second time, and agreed to.

Consequential Lords' Amendments to the Amendment, in page 3, line 13, agreed to.

Lords' Amendment, "In page 3, line 13, to leave out the words 'made after the passing of this Act,'" the next Amendment, read a second time, and disagreed to.

Lords' Amendment, "In page 4, line 7, to leave out from the beginning of the clause to the word 'in' in line 16, and insert the words '(1) Where the landlord without good and sufficient cause, terminates or refuses to grant a renewal of the tenancy, or it is proved that an increase of rent is demanded from the tenant as the result of improvements which have been effected at the cost of such tenant, and for which he has not, either

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directly or indirectly, received an equivalent from the landlord, and such demand results in the tenant quitting the holding, the tenant upon quitting the holding shall, in addition to the compensation (if any) to which he may be entitled in respect of improvements, and notwithstanding any agreement to the contrary, be entitled to compensation for the loss of goodwill and the expense which, by reason of his quitting the holding, he sustains or incurs upon or in connection with the removal of his goods, implements, produce or stock: Provided that such compensation shall in no case exceed three years rent of the holding," read a second time.

Mr. Cherry 1563

Amendment proposed to the Lords' Amendment—

"To leave out the words 'Provided that such compensation shall in no case exceed three years rent of the holding.'"—(*Mr. Cherry.*)

Question "That the words proposed to be left out stand part of the Lords' Amendment," put, and negatived.

Lords' Amendment, as amended, agreed to.

Lords' Amendment, "In page 4, to leave out lines 17, 18, and 19 and insert 'any matter under this section,'" read a second time, and agreed to.

Lords' Amendment, "In page 4, line 23, to leave out 'partly for business purposes,' and insert 'to a substantial extent for trade or business purposes, and which are held (a) under tenancies from year to year created after the passing of this Act, or (b) under leases made after the passing of this Act for terms of less than thirty-one years, or for a life or lives, or (c) under contracts of tenancy existing at the passing of this Act where the rent of the holding is under one hundred pounds per annum,'" read a second time.

Mr. Cherry 1565

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."—(*Mr. Cherry.*)

Lords' Amendment, "In page 5, line 4, leave out 'whether before or,'" the next Amendment, read a second time, and disagreed to.

Lords' Amendment, "In page 5, line 13, to leave out 'except where otherwise expressly provided,'" read a second time.

Motion made, and Question, "That the House doth agree with the Lords in the said Amendment," put, and agreed to.

Lords' Amendments, "In page 5, line 26, after the word 'Act,' to insert the words '(3) Any rules under this section shall be made after consultation with, or notice of consultation sent to, the President of the Incorporated Law Society of Ireland'; "in lines 27 to 32, to leave out sub-section (3)"; read a second time, and agreed to.

Lords' Amendment—

“ In page 5, after Clause 10, insert Clause A. ‘ A. (1)—Any person aggrieved by any determination of the county court under this Act may appeal either—(a) to the judge of Assize or a judge of the High Court, as the case may be, in accordance with the provisions of the County Courts (Ireland) Acts, 1851 to 1889, relating to appeals in the case of ordinary civil bills ; or (b) to the Court of Appeal in accordance with rules of the Supreme Court ; Provided that if in any proceedings appeals are taken both to the judge of Assize or a judge of the High Court and to the Court of Appeal, the appeals shall be heard together by such judge, and a further appeal may be taken from his determination to the Court of Appeal in accordance with rules of the Supreme Court,” read a second time.

Motion made, and Question proposed, “ That the House doth agree with the Lords in the said Amendment.”—(*Mr. Bryce.*)

Mr. John Redmond 1566

Question put, and agreed to.

Lords' Amendment—

“ In page 6, after Clause 11, to insert Clauses B, C, and D. ‘ B. Capital money arising under the Settled Land Act, 1882, may be applied in payment of any moneys expended and costs incurred by a landlord under or in pursuance of this Act in or about the execution of any improvement, as for an improvement authorised by the said Settled Land Act ; and such money may also be applied in discharge of any charge created on a holding under or in pursuance of this Act in respect of any such improvement as aforesaid, as in discharge of an incumbrance authorised by the said Settled Land Act to be discharged out of such capital money. C. Where the landlord is a person entitled to receive the rents and profits of any holding as trustee, or in any character otherwise than for his own benefit, the amount due from such landlord in respect of compensation under this Act shall be charged and recovered as follows, and not otherwise (that is to say :—(1) The amount so due shall not be recoverable personally against such landlord, nor shall he be under any liability to pay such amount, but the same shall be a charge on and recoverable against the holding only ; (2) Such landlord shall, either before or after having paid to the tenant the amount due to him, be entitled to obtain from the county court a charge on the holding to the amount of the sum required to be paid or which has been paid, as the case may be, to the tenant. (3) If such landlord neglect, or fail within one month after the tenant has quitted his holding, to pay to the tenant the amount due to him, then after the expiration of such one month the tenant shall be entitled to obtain from the county court in favour of himself, his executors, administrators, and assigns, a charge on the holding to the amount of the sum due to him, and of all costs properly incurred by him in obtaining the charge or in raising the amount due thereunder. (4) The Court shall, on proof of the tenant's title to have a charge made in his favour, make an order charging the holding with payment of the amount of the charge, including costs, in like manner and form as in case of a charge which a landlord is entitled to obtain. D. Any company now or hereafter incorporated by Parliament and having power

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to advance money for the improvement of land, may take an assignment of any charge made by a county court under the provisions of this Act, upon such terms and conditions as may be agreed upon between such company and the person entitled to such charge; and such company may assign any charge so acquired by them to any person or persons whomsoever," read a second time.

Mr. Bryce 1568

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."—(*Mr. Bryce.*)

Mr. Clancy 1568

Mr. Cherry 1568

Question put, and agreed to.

Lords' Amendment, "In page 6, lines 4 and 5, to leave out the words 'clubs for social and athletic purposes,'" read a second time.

Motion made, and Question, "That this House doth agree with the Lords in the said Amendment," put, and agreed to.

Lords' Amendment, "In page 6, line 5, after the word 'building,' to insert the words, 'situate in urban districts, towns, or villages and,'" read a second time

Mr. Cherry 1569

Motion made and Question proposed, "That this House do agree with the Lords in the said Amendment."—(*Mr. Cherry.*)

Mr. Clancy 1569

Mr. Bryce 1569

Question put, and agreed to.

Motion made, and Question proposed, "That a Committee be appointed to draw up reasons to be assigned to the Lords for disagreeing to certain of their Amendments to the Bill."—(*Mr. Bryce.*)

Mr. John Redmond 1570

Committee nominated of Mr. Attorney-General for Ireland, Mr. Bryce, Mr. Clancy, Mr. John O'Connor, and Mr. Whiteley.

Three to be the quorum.

To withdraw immediately.—(*Mr. Bryce.*)

Question put, and agreed to.

Public Trustee Bill [LORDS].—Considered in Committee.

(In the Committee.)

[*Mr. EMMOTT* (Oldham) in the Chair.]

Clause 10 :—

Amendment proposed—

“ In page 8, line 35, after the word ‘ omission,’ to insert the words ‘ or decision.’ ”—(*Mr. Marnham.*)

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11 :—

Amendments proposed—

“ In page 9, line 5, after the word ‘ Act’ to insert the words ‘ under this Act.’ ”

“ In page 9, line 8, after the word ‘ brokers,’ to insert the words ‘ or other persons.’ ”—(*Sir John Walton.*)

“ In page 9, line 10, after the word ‘ to,’ to insert the words ‘ the interest of the trust, but subject to this shall, whenever practicable, take into consideration.’ ”—(*Mr. Harwood-Banner.*)

Amendments agreed to.

Amendment proposed—

“ In page 9, line 19, after the word ‘ do’ to insert the words, ‘ Provided that nothing in this Act, or in any rule made under this Act, shall confer upon any person not otherwise entitled thereto any right to appear, or act, or be heard in or before any Court or tribunal on behalf or instead of the Public Trustee, or to do any other act whatsoever on behalf or on the instructions of the Public Trustee which could otherwise only be lawfully done by a barrister or a duly certificated solicitor.’ ”—(*Mr. Marnham.*)

The Attorney-General (Sir J. Walton, Leeds, S.) 1571

Amendment agreed to.

<i>Mr. Bertram (Herts, Hitchin)</i>	..	..	..	..	..	..	1571
<i>Sir John Walton</i>	..	..	..	..	..	..	1572
<i>Mr. Bertram</i>	..	..	..	..	..	..	1572

Amendment proposed—

“ In page 9, line 27, to leave out from the word ‘ and,’ to the end of the sub-section.’ ”—(*Mr. Bertram.*)

Question proposed, “ That the words proposed to be left out stand part of the clause.”

Amendment, by leave, withdrawn.

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Amendment proposed—

“In page 9, line 30, at end to add the words, ‘and no person dealing with the Public Trustee either alone or jointly with any other trustee or person on any transfer of mortgage or reconveyance or other dealing with mortgaged property shall be affected with notice of a trust.’”—(*Mr. Micklem.*)

Question proposed, “That those words be there inserted.”

Amendment, by leave, withdrawn.

Amendment proposed—

“In page 9, line 30, at end, to add the words, ‘and in dealing with property the fact that the persons or one of the persons dealt with is a public trustee shall not of itself constitute notice of a trust’”—(*Sir John Walton.*)

Question, “That those words be there inserted,” put, and agreed to.

Clause 11, as amended, agreed to.

Clause 12 agreed to.

Clause 13 :—

Mr. Harwood-Banner (Liverpool, Everton) 1573

Amendment proposed—

“In page 10, line 10, after the word ‘granted,’ to insert the words, ‘or such person as may be nominated by such person or persons to act as judicial trustee on their behalf unless the Court otherwise order.’”—(*Mr. Harwood-Banner.*)

Question proposed, “That those words be there inserted.”

Sir John Walton 1574

Mr. William Rutherford (Liverpool, West Derby) 1574

Amendment, by leave, withdrawn.

Amendment proposed—

“In page 10, line 18, to leave out sub-section (3).”—(*Mr. William Rutherford.*)

Amendment agreed to.

Motion made, and Question proposed, “That the clause stand part of the Bill.”

Mr. William Rutherford 1575

Mr. Micklem 1575

Sir John Walton 1576

Question put, and negatived.

Clause 14 :—

Amendment agreed to.

Mr. Harwood-Banner 1576

Amendment proposed—

“ In page 10, line 26, after the word ‘ Act,’ to insert the words ‘ and the regulations as to fees to be taken under this Act.’ ”—(*Mr. Harwood-Banner.*)

Question proposed, “ That those words be there inserted.”

Sir John Walton 1577

Amendment, by leave, withdrawn.

Mr. J. M. Henderson (Aberdeenshire, W.) 1577

Amendment proposed—

“ In page 10, line 30, after the word ‘ audited;’ to insert the words ‘ once a year.’ ”—(*Mr. J. M. Henderson.*)

Mr. Hills (Durham) 1580

Mr. William Rutherford 1580

Sir E. Carson (Dublin University) 1582

Sir John Walton 1583

Mr. Eugene Wason (Clackmannan and Kinross) 1584

Mr. Radford (Islington, E.) 1584

Mr. Bertram 1586

Mr. R. Pearce (Staffordshire, Leek) 1586

Mr. Dunn (Cornwall, Camborne) 1587

Mr. J. M. Henderson 1587

Amendment, by leave, withdrawn.

Amendment proposed—

“ In page 10, line 31, to leave out the word ‘ applicant,’ and to insert the word beneficiaries.”—(*Mr. J. M. Henderson.*)

Question proposed, “ That the word ‘ applicant ’ stand part of the clause.”

Mr. William Rutherford 1587

Amendment negatived.

Amendments proposed—

“ In page 10, line 37, to leave out the word ‘ entitled,’ and insert the words ‘ appointed under this section.’ ”

“ In page 11, line 3, after the word ‘ any,’ to insert the words ‘ securities and.’ ”—(*Mr. Micklem.*)

Amendments agreed to.

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Amendment proposed—

“In page 11, line 3, after the word ‘trustee,’ to insert the words ‘who may desire it.’”—(*Mr. Micklem.*)

Question proposed, “That those words be there inserted.”

Amendment, by leave, withdrawn.

Amendments proposed—

“In page 11, line 11, after the word ‘trust,’ to insert the words ‘and that he has had the securities of the trust fund investments produced to and verified by him.’”—(*Mr. J. M. Henderson.*)

“In page 11, line 11, at end, to insert the words ‘or (as the case may be) that such accounts are deficient in such respects as may be specified in such certificate.’”—(*Mr. Micklem.*)

“In page 11, line 23, after the word ‘shall,’ to insert the words ‘such as may be prescribed by rules under this Act and shall.’”—(*Sir John Walton.*)

Amendments agreed to.

<i>Mr. Radford</i>	..	..	..	..	..	..	..	..	1588
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Amendment proposed—

“In page 11, line 23, to leave out from the word ‘shall,’ to end of clause, and to insert the words ‘be paid by the trustees out of the income or capital of the trust property, or partly out of one and partly out of the other as may be prescribed.’”—(*Mr. Radford.*)

Question proposed, “That the words proposed to be left out stand part of the clause.”

<i>Sir John Walton</i>	..	..	..	..	..	..	..	..	1589
<i>Mr. Micklem</i>	..	..	..	..	..	..	..	..	1589
<i>Mr. J. M. Henderson</i>	..	..	..	..	..	..	..	..	1590
<i>Mr. William Rutherford</i>	..	..	..	..	..	..	..	..	1590
<i>Mr. Radford</i>	..	..	..	..	..	..	..	..	1590

Amendment, by leave, withdrawn.

Amendment proposed—

“In page 11, line 24, to leave out the words ‘paid by the applicant,’ and insert the words ‘and in the event of the public trustee so directing, he may order that such expense may be borne by the applicant, or by the trustees personally, or partly by them and partly by the applicant.’”—(*Mr. J. M. Henderson.*)

Question proposed, “That the words proposed to be left out stand part of the clause.”

Question put, and negatived.

Words proposed there inserted.

Clause 14, as amended, agreed to.

Clause 15 :—

Amendment proposed—

“ In page 12, line 15, at end to add, ‘ (f) the classes of corporate bodies entitled to act as custodian trustees ; (g) the form and manner in which notices under this Act shall be given.’—(*Mr. Micklethorp*.)

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16 :—

Mr. Micklethorp 1590

Amendment proposed—

“ In page 12, line 34, at end, to add the expression ‘ administration of an estate ’ means ‘ administration of the estate of a deceased person.’ ”—(*Mr. Micklethorp*.)

Question proposed, “ That those words be there inserted.”

Sir John Walton 1592

Question put, and negatived.

Amendment proposed—

“ In page 13, line 3, at the end, to insert the words ‘ that other expressions have the same meaning as the meaning of the words in the Judicial Trustee Act of 1896.’ ”—(*Sir John Walton*.)

Question, “ That those words be there inserted,” put, and agreed to.

Clause 16, as amended, agreed to.

Clause 17 agreed to.

New clause, “ This Act shall come into operation on the first day of January, 1908.”—(*Sir John Walton*.)

Brought up, read the first time, and added to the Bill.

New clause—

“(1) The Consolidated Fund of the United Kingdom shall be liable to make good all sums required to discharge any liability which the Public Trustee, if he were a private trustee, would be personally liable to discharge, except where the liability is one to which neither the Public Trustee nor any of his officers has in any way contributed, and

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which neither he nor any of his officers could by the exercise of reasonable diligence have averted, and in that case the Public Trustee shall not, nor shall the Consolidated Fund, be subject to any liability; (2) All sums payable in pursuance of this section out of the Consolidated Fund shall be charged on and issued out of that fund or the growing produce thereof.”—(*Sir John Walton.*)

Brought up and read the first time and the second time.

Mr. Micklem 1593

Amendment proposed—

“In line 4, of the proposed new clause, to leave out the words ‘from discharge’ to the end of sub-section.”—(*Mr. Micklem.*)

Sir John Walton 1593

Mr. William Rutherford 1594

Mr. Herbert (Buckinghamshire, Wycombe) 1594

Mr. Radford 1594

Amendment, by leave, withdrawn.

Mr. Micklem 1596

Amendment proposed—

“In line 4 of the proposed new clause, after the word ‘discharge,’ to insert the words ‘or to discharge any liability incurred by the Public Trustee in that capacity.’”—(*Mr. Micklem.*)

Question proposed, “That those words be there inserted.”

Sir John Walton 1597

Amendment, by leave, withdrawn.

Mr. R. Pearce 1597

Clause agreed to.

New clause :—

“The salary or remuneration of the Public Trustee and his officers and such other expenses of executing his office or otherwise carrying this Act into effect as may be sanctioned by the Treasury shall be paid out of moneys provided by Parliament.”—(*Sir John Walton.*)

Brought up and read the first and the second time and added to the Bill.

New clause :—

“(1) There shall be charged in respect of the duties of the Public Trustee such fees, whether by way of percentage or otherwise, as the Treasury with the sanction of the Lord Chancellor may fix, and such fees

shall be collected and accounted for by such persons and in such manner, and shall be paid to such account as the Treasury direct. (2) Any expenses which might be retained or paid out of the trust property if the Public Trustee were a private trustee shall be so retained or paid, and the fees shall be retained or paid in the like manner as and in addition to such expenses. (3) Such fees shall, under the regulations of the Treasury, be applied as an appropriation in aid of moneys provided by Parliament for expenses under this Act, and, so far as not so applied, shall be paid into the Exchequer. (4) The fees under this section shall be arranged from time to time so as to produce an annual amount sufficient to discharge the salaries and other expenses incidental to the working of this Act (including such sum as the Treasury may from time to time determine to be required to ensure the Consolidated Fund against loss under this Act), and no more.”—(*Sir John Walton.*)

Brought up and read the first and the second time.

<i>Mr. Micklem</i> ..	..	..	..	..	..	..	..	1598
<i>Sir John Walton</i> ..	..	..	..	..	..	..	..	1598

Amendment proposed—

“ In line 20 of proposed new clause, at the end, to insert the words ‘ (5) The incidence of the fees and expenses under this section as between capital and income shall be determined by the Public Trustee.’ ”—(*Mr. Micklem.*)

Question proposed, “ That those words be there inserted.”

<i>Mr. Wm. Rutherford</i> ..	..	..	..	..	..	..	..	1599
<i>Mr. R. Pearce</i> ..	..	..	..	..	..	..	..	1599
<i>Sir John Walton</i> ..	..	..	..	..	..	..	..	1599

Question put, and agreed to.

Motion made, and Question proposed, “ That the clause, as amended, be added to the Bill.”

<i>Mr. J. D. White (Dumbartonshire)</i> ..	..	..	..	..	..	..	1599
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Question put, and agreed to.

<i>Mr. Micklem</i> ..	..	..	..	..	..	..	1600
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New clauses—

(1) The public trustee shall keep a register of all notices received by him, including notices passed on to him by former or other trustees, of assignments, settlements, incumbrances, and other dealings affecting, and Orders of Court changing or appointing, receivers of the present or future interest of any beneficiary in the property subject to the trust. (2) It shall be the duty of the Public Trustee to acknowledge the receipt of all notices received by him in respect of any of the before-mentioned matters. (3) The register relating to each trust shall be open to inspection by the beneficiaries or persons authorised by them at all reasonable times. (4) Any person suffering loss by reason of the failure of

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the Public Trustee to enter on the register such notices as aforesaid shall be entitled to be indemnified by the public trustee, and such loss shall be deemed to be a liability within Section 7 of this Act. Subject to rules under this Act any person claiming as beneficiary, purchaser, or mortgagee to be interested in any trust property held by the Public Trustee alone or jointly shall be entitled to give a notice to the Public Trustee to operate as regards the trust property in the same manner as a distringas notice or stop order operates upon stock standing in the books of a company or upon funds in Court. In any case where the Public Trustee is acting as custodian trustee jointly with other trustees notices required to be served on the trustees shall be deemed to be duly served if served on the Public Trustee alone."—(*Mr. Micklethorp*.)

Brought up, and read the first time.

Motion made, and Question proposed, "That the clause be read a second time."

<i>Sir John Walton</i>	..	..	..	..	..	..	..	1602
<i>Mr. Micklethorp</i>	..	..	..	..	..	..	..	1602

New clause, by leave, withdrawn.

Title :

Amendment proposed—

"To leave out the words 'the Judicial Trustee Act, 1896, and otherwise.'"—(*Sir John Walton*.)

Amendment agreed to.

Bill reported, with an amended title ; as amended, to be considered To-morrow, and to be printed. [Bill 378.]

Probation of Offenders Bill.—Order for Second Reading read, and discharged. Bill withdrawn 1603

Town Tenants (Ireland) Bill.—Reasons for disagreeing to certain of the Lords' Amendments reported and agreed to.

To be communicated to the Lords.—(*Mr. Bryce*.) 1603

MESSAGE FROM THE LORDS—EDUCATION (ENGLAND AND WALES) BILL.—That they insist on their Amendments to the Education (England and Wales) Bill to which this House has disagreed, for which they assign their reason.

That they have agreed to—Land Tax Commissioners Bill, Expiring Laws Continuance Bill, with an Amendment ; Land Tenure Bill, Workmen's Compensation Bill, Notice of Accidents Bill, with Amendments .. 1603

Trade Disputes Bill.—That they agree to the Amendment made by this House to one of the Amendments made by the Lords to the Trade Disputes Bill, and to the consequential Amendment made by this House to the Bill ; and do not insist on their Amendments to which the Commons have disagreed 1604

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Education (England and Wales) Bill.—Lords' reason to be considered To-morrow, and to be printed. [Bill 379.] 1604

Land Tenure Bill.—Lords' Amendments to be considered To-morrow, and to be printed. [Bill 380.] 1604

Workmen's Compensation Bill.—Lords' Amendments to be considered To-morrow, and to be printed. [Bill 381.] 1604

Notice of Accidents Bill.—Lords' Amendments to be considered To-morrow, and to be printed. [Bill 382.] 1604

Whereupon Mr. DEPUTY SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at half after Nine o'clock.

HOUSE OF LORDS: THURSDAY, 20TH DECEMBER, 1906.

RETURNS, REPORTS, ETC.

INTERMEDIATE EDUCATION BOARD FOR IRELAND.—Correspondence between His Excellency the Lord-Lieutenant of Ireland and the Intermediate Education Board for Ireland. Presented (by Command), and ordered to lie on the Table 1605

PHARMACY (IRELAND) ACTS, 1875 TO 1890.—Order in Council, dated 17th December, 1906, approving of an amended regulation made by the Pharmaceutical Society of Ireland 1605

INDIA (LOANS RAISED IN INDIA).—Return of all loans raised in India chargeable on the revenues of India, outstanding at the commencement of the half-year ended on the 30th September, 1906, with the rates of interest and total amount payable thereon, and the date of the termination of each loan, the debt incurred during the half-year, the moneys raised thereby during the half-year, the loans paid off or discharged during the half-year, and the loans outstanding at the close of the half-year, stating, so far as the public convenience will allow, the purpose or service for which moneys have been raised during the half year.

Laid before the House (pursuant to Act), and ordered to lie on the Table .. 1605

PALACE OF WESTMINSTER.—Report from the Select Committee (with the proceedings of the Committee) made, and to be printed. (No. 256.) Minutes of evidence: Laid upon the Table and to be delivered out. 1605

Merchant Shipping Acts Amendment (No. 2) Bill.—Commons, Amendment to Lords' Amendment considered (according to order).

The Earl of Granard 1605

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Moved, "That the Commons' Amendments to the Lords' Amendment be agreed to."—(*The Earl of Granard*.)

On Question, Motion agreed to.

Census of Production Bill.—House in Committee (according to order). Bill reported without Amendment. Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended), Bill read 3^a, and passed 1606

Town Tenants (Ireland) Bill.—Commons' Amendment to Lords' Amendment, and reasons for disagreeing to certain of the Lords' Amendments considered (according to order).

Lord Denman 1606

Moved, "That this House do not insist upon the Amendments to which the Commons have disagreed."—(*Lord Denman*.)

Lord Ashbourne 1611

The Earl of Dunraven 1615

The Earl of Mayo 1618

Lord Castletown 1619

Lord Clonbrock 1621

The Lord President of the Council (The Earl of Crewe) 1622

The Marquess of Lansdowne 1625

Lord Balfour of Burleigh 1628

On Question, Commons' Amendment to Lords' Amendment agreed to ; several of the Amendments to which the Commons have disagreed not insisted on.

The Earl of Mayo 1629

On Question, Motion agreed to.

Bill returned to the Commons with the Amendment.

Education (Provision of Meals) Bill.—Order of the day for the House to be put into Committee, read.

Moved, "That the House do now resolve itself into Committee."—(*The Earl of Crewe*).

Lord Balfour of Burleigh 1629

The Marquess of Londonderry 1634

Lord Grimthorpe 1636

The Earl of Meath 1638

Lord Reay 1639

Lord Avebury 1641

The Earl of Crewe 1642

Lord Clifford of Chudleigh 1645

On Question, Motion agreed to.

(In the Committee.)

[*LORD BALFOUR OF BURLEIGH* in the Chair.]

Clause 1 :—

Lord Avebury 1646

Amendment moved—

“In page 1, line 8, after the word ‘area,’ to insert the words ‘who upon inquiry at the child’s home shall be found to be in need of food.’”—(*Lord Avebury*.)

The Earl of Crewe 1647
The Marquess of Salisbury.. .. . 1648
Lord Clifford of Chndleigh 1649
Lord Grimthorpe 1650
The Earl of Crewe 1650
Lord Avebury 1651
The Marquess of Salisbury 1652

On Question, Amendment negatived.

Clause 1 agreed to.

Clause 2 :—

Lord Avebury 1652

Amendment moved—

“In page 1, line 22, after the word ‘authority,’ to insert the words ‘provided that such amount shall not be less than the entire cost incurred by the local education authority.’”—(*Lord Avebury*.)

The Earl of Crewe 1652

On Question, Amendment negatived.

The Marquess of Salisbury 1655

Amendment moved—

“In page 2, line 1, to leave out the words ‘by reason of circumstances other than his own default.’”—(*The Marquess of Salisbury*.)

On Question, Amendment negatived.

Amendment moved—

“In page 2, line 3, to leave out the word ‘may’ and insert the word ‘shall.’”—(*The Marquess of Salisbury*.)

The Earl of Crewe 1656
The Marquess of Salisbury 1656

On Question, Amendment negatived.

Clause agreed to.

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Clause 3 :—

<i>The Marquess of Salisbury</i>		1656
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Amendment moved—

“ In page 2, line 17, to insert after the word ‘act,’ the words ‘and that the parent is unable to pay the amount.’ ”—(*The Marquess of Salisbury.*)

<i>The Earl of Crewe</i>	.. .. .	1657
<i>The Marquess of Salisbury</i>	.. .. .	1658
<i>The Marquess of Ripon</i>	.. .. .	1659

Amendment, by leave, withdrawn.

Clause 3 agreed to.

Clause 4 :—

<i>Lord Avebury</i>		1660
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Amendment moved—

“ In page 2, line 27, to leave out from the word ‘child,’ to the word ‘shall,’ in line 29.’ ”—(*Lord Avebury.*)

<i>Lord Clifford of Chudleigh</i>	.. .. .	1660
<i>The Earl of Crewe</i>	.. .. .	1661
<i>The Earl of Camperdown</i>	.. .. .	1662

On Question, Amendment negatived.

Clauses 4, 5 and 6 agreed to.

Clause 7 :—

<i>Lord Balfour of Burleigh</i>	.. .. .	1662
<i>Lord Hamilton of Dalzell</i>	.. .. .	1665
<i>The Marquess of Lansdowne</i>	.. .. .	1667
<i>The Earl of Crewe</i>	.. .. .	1667

On Question, “ That Clause 7 stand part of the Bill,” their Lordships divided :—Contents, 19 ; Not-Contents, 28.

Consequential Amendment made in the title of the Bill.

Standing Committee negatived : Then (Standing Order No. XXXIX. having been suspended), Amendments reported : Bill read 3^a, with the Amendments, and passed, and returned to the Commons.

National Galleries of Scotland Bill.—Order of the Day for the House to be put into Committee read.

Moved, “ That the House do now resolve itself into Committee.”—(*Lord Hamilton of Dalzell.*)

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<i>The Earl of Plymouth</i>	1669
<i>Lord Hamilton of Dalzell</i>	1671
<i>Lord Balfour of Burleigh</i>	1671
On Question, Motion agreed to.	
House in Committee accordingly.	
Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3 ^a To-morrow.	
Public Trustee Bill (H.L.)—Returned from the Commons agreed to, with Amendments: The said Amendments to be printed, and to be considered To-morrow. (No. 257)	1672
Notice of Accidents Bill —Returned from the Commons with the Amend ments agreed to	1672
Land Tenure Bill (now Agricultural Holdings Bill) .—Returned from the Commons with several of the Amendments agreed to, and several Amend- ments agreed to, with Amendments, and several Amendments disagreed to, with reasons for such disagreement. The said Amendments and reasons to be printed; and to be considered To-morrow. (No. 258)	1672
Workmen's Compensation Bill .—Returned from the Commons with several of the Amendments agreed to, and several Amendments disagreed to, with reasons for such disagreement, the said Amendments and reasons to be printed; and to be considered To-morrow. (No. 259)	1672
House adjourned at a quarter past Eleven o'clock till To-morrow, Twelve o'clock.	

HOUSE OF COMMONS: THURSDAY, 20TH DECEMBER, 1906.

The House met at Two of the Clock.

MR. SPEAKER'S INDISPOSITION.—The Clerk at the Table informed the House of the unavoidable absence of Mr. Speaker from this day's Sitting owing to indisposition.

Whereupon Mr. EMMOTT, the Chairman of Ways and Means, proceeded to the Table, and, after Prayers, took the Chair as Deputy Speaker, pursuant to the Standing Order 1673

PETITION

PARLIAMENTARY FRANCHISE.—Petition from Northampton, for extension to women; to lie upon the Table 1673

RETURNS, REPORTS, ETC.

PRIVATE LEGISLATION PROCEDURE (SCOTLAND) ACT, 1899.—Return presented, relative thereto [ordered 14th December; *Mr. Sinclair*]; to lie upon the Table, and to be printed. [No. 390] 1673

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HIGHER EDUCATION (ENGLAND AND WALES) (APPLICATION OF FUNDS BY LOCAL AUTHORITIES).—Return presented, relative thereto [ordered 2nd August; <i>Mr. Birrell</i>]; to lie upon the Table, and to be printed. [No. 391.]	.. 1673
UNEMPLOYED WORKMEN ACT, 1905.—Return presented, relative thereto [ordered 19th December; <i>Mr. John Burns</i>]; to lie upon the Table, and to be printed. [No. 392.]	 1673
GAS UNDERTAKINGS.—Return presented, relative thereto [ordered 1st May; <i>Mr. Lloyd-George</i>]; to lie upon the Table, and to be printed. [No. 393.]	.. 1673
GAS UNDERTAKINGS (LOCAL AUTHORITIES).—Return presented, relative thereto, [ordered 1st May; <i>Mr. Lloyd-George</i>]; to lie upon the Table, and to be printed. [No. 394.]	 1674
INTERMEDIATE EDUCATION (IRELAND).—Copy presented, of Correspondence between His Excellency the Lord-Lieutenant of Ireland and the Intermediate Education Board for Ireland [by Command]; to lie upon the Table	1674
PHARMACY (IRELAND) ACTS, 1875 TO 1890.—Copy presented, of Order in Council, dated 17th December, 1906, approving of an amended Regulation made by the Pharmaceutical Society of Ireland [by Act]; to lie upon the Table	.. 1674
EAST INDIA (LOANS RAISED IN INDIA).—Copy presented, of Return of all Loans raised in India, chargeable on the Revenues of India outstanding at the commencement of the half-year ending on the 30th September, 1906, etc. [by Act]; to lie upon the Table, and to be printed. [No. 395.]	 1674
CAPITAL EXPENDITURE.—Return presented, relative thereto [ordered 29th October; <i>Mr. Rose</i>]; to lie upon the Table, and to be printed. [No. 396.]	1674
PAPERS LAID UPON THE TABLE BY THE CLERK OF THE HOUSE.	
1. Inquiry into Charities (County of Wilts); Further Return relative thereto [ordered 9th August, 1901; <i>Mr. Griffith-Boscawen</i>]; to be printed. [No. 397.]	
2. Inquiry into Charities (County of Berks); Further Return relative thereto [ordered 28th March, 1905; <i>Mr. Griffith-Boscawen</i>]; to be printed. [No. 398.]	 1674
MUNICIPAL TRADING (UNITED KINGDOM).—Address for “Return showing for the London County Council, the Corporation of the City of London, the Council of each Metropolitan Borough, the Corporations of the Municipal Boroughs of Liverpool, Manchester, Birmingham, Leeds, Sheffield, Bristol, Bradford, West Ham, Newcastle-upon-Tyne, Kingston-upon-Hull, Nottingham, Salford, Leicester, Portsmouth, Bolton, Cardiff, Sunderland, Oldham, Croydon, Blackburn, Brighton, Derby, Preston, Norwich, Birkenhead, Gateshead, Plymouth, Halifax, Southampton, South Shields, Burnley, East Ham, Huddersfield, Swansea, Wolverhampton, Stockport, Middlesbrough, Stockton-on-Tees, and Blackpool, and the Corporations of Edinburgh, Glasgow, Dundee, and Aberdeen, the nature and extent, and, for each of the last four years for which figures are available, the financial results of reproductive municipal undertakings, including for each undertaking separately a short description thereof, date and terms of original acquisition or establishment or subsequent extension, how managed, capital employed and how obtained, value of the undertaking, capital paid off and outstanding, loan	

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charges, provision for depreciation, gross income and expenditure, net profit or loss, how profit is allocated or loss met, amount of relief or burden to rates, number and salaries of the chief paid officials, number of workpeople, rate of wages paid in chief classes of labour, and prices charged for products or services supplied or rendered."—(*Mr. Chiozza Money*.) 1674

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

GREAT NORTHERN RAILWAY—DEANS GATE WORKS—DANGEROUS OCCUPATION. —Question, Mr. Kelly (Manchester, S.W.); Answer, Mr. Kearley ..	1675
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RAILWAY ADMINISTRATION.—Question, Mr. Montagu (Cambridgeshire, Chester-ton); Answer, Mr. Lloyd-George	1697
REPORT OF THE DEPARTMENTAL COMMITTEE ON RAILWAY RATES.—Question, Mr. Montagu; Answer, Sir Edward Strachey	1679
SLIGO TECHNICAL SCHOOL.—Question, Mr. P. A. McHugh (Sligo, N.); Answer, Mr. Bryce	1680
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ROYAL ARMY CLOTHING DEPARTMENT.—Question, Mr. Jenkins; Answer, Mr. Haldane	1681
NATAL MOUNTED POLICE.—Question, Mr. Markham (Nottinghamshire, Mansfield); Answer, Mr. Haldane	1682
SLEEPING SICKNESS.—Question, Mr. Rees (Montgomery Boroughs); Answer, Mr. Churchill	1682
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ROYAL CANAL, DUBLIN.—Question, Mr. Field; Answer, Mr. Bryce	1691
DISMISSED SCHOOL TEACHERS IN IRELAND.—Question, Mr. Sloan (Belfast, S.); Answer, Mr. Bryce	1692
IRISH QUIT RENTS.—Question, Mr. Power (Waterford, E.); Answer, Mr. McKenna	1693
ROSEGARLAND EVICTED TENANTS.—Question, Mr. Ffrench (Wexford, N.); Answer, Mr. Bryce	1693
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STOKERS IN THE NAVY.—Question, Mr. Jenkins (Chatham); Answer, Mr. Edmund Robertson	1697

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<i>Mr. Walter Long (Dublin, S.)</i>	1740
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<i>Mr. Adkins (Lancashire, Middleton)</i>	1764
<i>Mr. Hunt (Shropshire, Ludlow)</i>	1766
<i>Mr. Maddison (Burnley)</i>	1766

Question put, and agreed to.

Order discharged accordingly, and Bill withdrawn

Land Tenure Bill.—Order Consideration of Lords' Amendments.

Motion made, and Question proposed, "That the Lords Amendments be now considered."

<i>Mr. Soares (Devonshire, Barnstaple)</i>	..	..	..	..	..	1768
<i>Mr. Lynch (Yorkshire, Ripon)</i>	..	..	..	..	..	1770

Amendment proposed—

"To leave out the word 'now,' and at the end of the Question to add the words 'upon this day three months.'"—(*Mr. Soares.*)

Question proposed, "That the word 'now' stand part of the Question."

<i>Sir Edward Strachey (Somersetshire, S.)</i>	..	..	..	..	..	1772
<i>Mr. Walter Long (Dublin, S.)</i>	..	..	..	..	..	1774

Amendment, by leave, withdrawn.

Main Question again proposed.

<i>Mr. Morton (Sutherland)</i>	..	..	..	..	..	1776
<i>Mr. Black (Banffshire)</i>	..	..	..	..	..	1777
<i>Mr. J. Ward (Stoke-on-Trent)</i>	..	..	..	..	..	1778
<i>Mr. Crombie (Kincardineshire)</i>	..	..	..	..	..	1778
<i>Mr. Rowlands (Kent, Dartford)</i>	..	..	..	..	..	1779

Question "That the Lords Amendments be now considered," put, and agreed to.

<i>The Solicitor-General (Sir W. Robson, South Shields)</i>	..	..	..	1779
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Lords Amendments—

"In page 1, in the title, to leave out the words 'the Tenure of Land' and to insert the words 'Agricultural Holdings.' In lines 1 to 5, to leave out the Preamble. In line 6, to leave out the word 'therefore.' To leave out lines 10 and 11. In line 12, after the second 'one' to insert the words 'of the Agricultural Holdings Act, 1900.' In line 19, to leave out the word 'his' and to insert the word 'a.' In line 24, after the word 'Holdings' to insert the word 'England.' In line 25, after '1900' to insert the words 'or the Agricultural Holdings (Scotland) Acts, 1883 to 1900.' In lines 25 and 26, to leave out the words 'any custom or' and to insert the word 'the.' In line 26, to leave out the words 'to be determined by' and to insert the words 'referred to.'"

"In page 2, in line 1, to leave out the words 'notwithstanding any agreement to the contrary and.' In line 2, to leave out the words 'tenancy commenced' and to insert the words 'matter to which the arbitration relates arose.' In line 3, after the word 'determined' to insert the words 'notwithstanding any agreement to the contrary;' " read a second time and agreed to.

Lords Amendment—

"In line 6, after '1900' to insert the words 'and any sum awarded by such arbitrator to be paid, shall be recoverable in manner provided by the Agricultural Holdings (England) Acts, 1883 to 1900, or the

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Agricultural Holdings (Scotland) Acts, 1883 to 1900, for the recovery of compensation. Provided that nothing in this sub-section shall interfere with or prevent any contract or agreement between the landlord and tenant for an outgoing or other valuation.' ”

- (3) The following rule shall be substituted for rule (10) in Part I. of the Second Schedule to the Agricultural Holdings Act, 1900 :—

“ ‘ The arbitrator shall on the application of either party specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award, and the award shall fix a day not sooner than one month or later than two months after the delivery of the award for the payment of the money awarded as compensation, costs, or otherwise, and shall be in such form as may be prescribed by the Board of Agriculture and Fisheries,’ ” read a second time.

Sir W. Robson 1781

Amendment proposed to Lords Amendment—

“ To leave out the words ‘ Provided that nothing in this sub-section shall interfere with or prevent any contract or agreement between the landlord or tenant for an outgoing or other valuation.’ ”

Question proposed, “ That the words proposed to be left out stand part of the Lords Amendment.”

Mr. Abel Smith (Hertfordshire, Hertford) 1781

Amendment to Lords Amendment agreed to.

Lords Amendment, as amended, agreed to.

Lords Amendments—

“ In page 2, line 8, to leave out the words ‘ that neither he nor ’ and to insert the words ‘ the right to kill and take which is vested neither in him nor in.’ ”

“ In line 9, to leave out the words ‘ has the lawful right to kill ’ and to insert the words ‘ and which the tenant has no permission in writing to kill,’ ” read a second time, and agreed to.

Lords Amendment—

“ In line 19, to leave out the words ‘ intention to make a claim for compensation ’ and to insert the words ‘ the damage,’ ” read a second time.

Sir W. Robson 1782

Amendment proposed to the Lords Amendment—

“ To leave out the words ‘ and insert the damage.’ ”

Amendment to the Lords Amendment agreed to. Lords Amendment, as amended, agreed to.

Lords Amendments—

“ In page 2, line 20, after the word ‘ landlord ’ to insert the words ‘ as soon as may be after the damage was first observed by the tenant and a reasonable opportunity is given to the landlord to inspect the damage.’ ”

“ In lines 21 and 22, to leave out the words ‘ at least three weeks.’ ”

“ In line 22, to leave out the words ‘ reaped or raised ’ and to insert the words ‘ begun to be reaped, raised, or consumed.’ ”

“ In line 23, to leave out the word ‘ done.’ ”

“ In lines 23 and 24 to leave out the words ‘ at least one week.’ ”

“ In line 24, after the word ‘ is ’ to insert the words ‘ begun to be.’ ”

“ In line 25, to leave out the words ‘ the claims made ’ and to insert the words ‘ notice in writing of the claim, together with the particulars thereof, is given to the landlord.’ ”

“ In line 26, to leave out the word ‘ year ’ and to insert the words ‘ calendar year, or such other period of twelve months as by agreement between the landlord and tenant may be substituted therefor,’ ” read a second time and agreed to.

Lords Amendment—

“ In page 2, line 28, to leave out the words ‘ made before the commencement of this Act,’ ” read a second time.

Sir Edward Strachey 1783

Motion made, and Question proposed, “ That this House doth disagree with the Lords in the said Amendment.”

Mr. Abel Smith 1783

Question put, and agreed to.

Lords Amendments—

“ In page 2, line 29, after the word ‘ payable ’ to insert the words ‘ by him.’ ”

“ In line 32, to leave out the words ‘ in assessing the compensation under this section.’ ”

“ In line 34, after the word ‘ payable ’ to insert the words ‘ under this section,’ ” read a second time, and agreed to.

Lords Amendment—

“ In page 2, line 34, after the word ‘ just ’ to insert the words ‘ Provided that in the case of a contract of tenancy current at the commencement of this Act, such a deduction as aforesaid shall be

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made whether the allowance was to an agreed amount or not, and whether the allowance was expressly made or not, and for the purposes of this proviso a tenancy from year to year current at the commencement of this Act shall be deemed to continue until the first day on which either the landlord or the tenant could, the one by giving notice to the other immediately after the commencement of this Act, cause the tenancy to determine," read a second time.

Sir Edward Strachey 1784

Motion made, and Question "That the House doth disagree with the Lords in the said Amendment," put, and agreed to.

Lords Amendments—

"In page 2, line 35, after the word 'kill,' to insert the words 'and take the.'"

"In page 2, line 39, to leave out from the beginning of the line to the word 'deer' in line 40, and to insert the words 'For the purpose of this section the expression "game" means.'"

"In page 3, lines 3 and 4, to leave out the words 'produced upon the holding,' read a second time, and agreed to.

Lords Amendment—

"In page 3, line 5, after the word 'land' to insert the words 'on his holding consistent with the principles of good husbandry,'" read a second time.

Sir Edward Strachey 1785

Amendment proposed to the Lords Amendment—

"To leave out the words 'consistent with the principles of good husbandry.'"—(*Sir Edward Strachey.*)

Question proposed, "That the words proposed to be left out stand part of the Lords Amendment."

Mr. Walter Long 1786

Amendment to the Lords Amendment agreed to.

Lords Amendment, as amended agreed to.

Lords Amendments—

"In page 3, line 7, to leave out the words 'contained in any such contract of tenancy or agreement.'"

"In page 3, lines 10 and 11, to leave out the words 'and provided also that he shall return to the holding as soon as may be' and to insert the words 'which provision shall in the case of disposal of the produce of the holding consist in the return to the holding of the full equivalent,' read a second time, and agreed to.

Lords Amendments—

“ In page 3, line 12, after the word ‘ value ’ to insert the words ‘ to the holdings ’; after the word ‘ holding ’ to insert the words ‘ in contravention of the custom contract or agreement. Provided that this sub-section shall not apply—(a) In the case of a lease for nineteen years or longer duration as respects the last three years before the expiration thereof; or (b) in any other case as respects the year before the tenant quits the holding, or any period after he has given or received notice to quit, which results in his quitting the holding; ” read a second time.

Sir Edward Strachey 1787

Amendment proposed to the Lords Amendment—

“ To leave out from the word ‘ apply ’ to the end and insert the words (a) in the case of a tenancy from year to year as respects the year before the tenant quits the holding or any period after he has given or received notice to quit which results in his quitting the holding; or (b) in any other case, as respects the last four years before the expiration of the contract of tenancy.”

Question proposed, “ That the words proposed to be left out stand part of the Lords Amendment.

Mr. Walter Long 1787
Colonel Kenyon-Slaney (Shropshire, Newport) 1788
Mr. Morton 1788

Amendment to the Lords Amendment agreed to.

Lords Amendment, as amended, agreed to.

Lords Amendments—

“ In page 3, line 15, after the word ‘ shall ’ to insert the words ‘ with- out prejudice to any other remedy which may be open to him.’ ”

“ In line 17, to leave out the words ‘ or as the case may require,’ and to insert the words ‘ at any time and should the case so require,’ and after the word ‘ injunction ’ to insert the words ‘ or in Scotland an interdict.’ ”

“ In line 23, to leave out the word ‘ adequate,’ and insert the word ‘ such.’ ”

Read a second time, and agreed to.

Lords Amendment—

“ In page 3, line 24, to leave out from the word ‘ deterioration ’ to the end of the clause, and to insert the words ‘ as is required by this section or in respect of other provision made for the purpose of complying with this Section. (4) In this section the expression ‘ arable land ’ shall not include land in grass, which by the terms of any contract of tenancy, is to be retained in the same condition throughout the tenancy.’ ”

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Read a second time.

Sir Edward Strachey 1789

Amendment proposed to the Lords Amendment—

“To leave out the word ‘or in respect of other provision made for the purpose of complying with this section, and to insert the words ‘improvements comprised in Part III. of the first schedule of the Agricultural Holdings Act, 1900, which have been made.’”

Amendment to the Lords Amendment agreed to.

Lords Amendments, as amended, agreed to.

Lords Amendments—

“In page 3, line 37, to leave out the words ‘or refuse to grant a renewal of the tenancy or,’ and insert the words ‘a tenancy by notice to quit, or after having been requested in writing at least one year before the expiration of a tenancy to grant a renewal thereof refuses to do so or where’; in line 38, to leave out the word ‘is’ and insert the words ‘has been’; in line 39, to leave out the words ‘as the result of,’ and insert the words, ‘and that such increase was demanded by reason of an increase in the value of the holding due to’; in lines 39 and 40, to leave out the words ‘effected at the cost of such’ and insert the words ‘executed by or at the cost of the.’”

“In page 4, line 5, after the word ‘expense’ to insert the words ‘directly attributable to his quitting the holding’; in line 6, to leave out the words ‘by reason of his quitting the holding, sustains or incurs,’ and insert the words ‘may unavoidably incur.’”

Read a second time, and agreed to.

Lords Amendment—

“In page 4, lines 7 and 8, to leave out the words ‘goods, implements, produce or stock,’ and insert the words ‘household goods or his implements of husbandry, produce or farm stock, on or used in connection with the holding; provided that no compensation under this section shall be payable

‘(a) Unless the tenant has given to the landlord a reasonable opportunity of making a valuation of such goods, implements, produce, and stock as aforesaid; or

‘(b) Unless the tenant has within two months after he has received notice to quit or a refusal to grant a renewal of the tenancy, as the case may be, given to the landlord notice in writing of his intention to claim compensation under this section; or

‘(c) Where the tenant with whom a contract of tenancy was made has died within three months before the date of the notice to quit, or in the case of a lease for years before the refusal to grant a renewal; or

‘(d) If the claim for compensation is not made within three months after the time at which the tenant quits the holding; or

‘(e) In the case of leases for fourteen or more years current at the passing of this Act;’”

Read a second time.

Mr. Montagu (Cambridge, Chesterton) 1790

Amendment proposed to the Lords Amendment—

“To leave out sub-section (c).”—(*Mr. Montagu.*)

Question proposed, “That sub-section (c) stand part of the Lords Amendment.”

<i>Mr. Soares</i>	1791
<i>Mr. Abel Smith</i>	1791
<i>Mr. Morton</i>	1791
<i>Mr. Walter Long</i>	1792
<i>Sir W. Robson</i>	1792
<i>Mr. Tomkinson (Cheshire, Crewe)</i>	1793
<i>Mr. Black</i>	1793
<i>Colonel Kenyon-Slaney (Shropshire, Newport)</i>	1793
<i>Mr. Everett (Suffolk, Woodbridge)</i>	1794
<i>Sir Edward Strachey</i>	1794
<i>Mr. Ainsworth (Argyllshire)</i>	1794

Amendment to the Lords Amendment, by leave, withdrawn.

Amendment proposed to the Lords Amendment—

“To leave out sub-section (e).”

Amendment to the Lords Amendment agreed to.

Lords Amendment, as amended, agreed to.

Lords Amendment—

“In page 4, line 11, after the word ‘arbitration’ to insert ‘any question arising under this section as to whether a landlord acting without good and sufficient cause or for reasons inconsistent with good estate management shall, for the purposes of the provisions as to arbitration relating to the statement of a case and any appeal therefrom be deemed to be a question of law’.”

Read a second time.

Sir W. Robson 1793

Motion made, and Question proposed “That this House doth disagree with the Lords in the said Amendment.”

Question put, and agreed to.

Lords Amendments—

“ In page 4, line 15, to leave out the word ‘other,’ and insert the words ‘or after’; in line 16, to leave out from the word ‘respectively’ to the end of the clause, and insert the words ‘in like manner as the sections apply to improvements executed after those dates’; in line 26, after the word ‘intention,’ to insert the words ‘together with particulars of such repairs’; in line 31, after the word ‘fences,’ to insert the word ‘gates,’ and after the word ‘drains’ to insert the word ‘ditches’; in line 32, after the word ‘made,’ to insert the words ‘within three months after the commencement of the tenancy’; to leave out Clause 9.”

“ In page 5, leave out Clause 10.”

Read a second time, and agreed to.

Lords Amendment—

“ In page 5, line 6, to leave out ‘eight’ and insert ‘nine.’ ”

Read a second time.

<i>Sir Edward Strachey</i>	1796
<i>Mr. Soares</i>	1797
<i>Mr. Lynch</i>	1797
<i>Mr. Morton</i>	1797
<i>Mr. J. Ward</i>	1797
<i>Mr. Adkins</i>	1798
<i>Mr. Lynch</i>	1798
<i>Sir Francis Channing (Northamptonshire, E.)</i>	1798
<i>Colonel Kenyon Slaney</i>	1799
<i>Mr. R. Pearce (Staffs, Leek)</i>	1799

Lords Amendments agreed to.

Subsequent Lords Amendments agreed to.

<i>Sir Edward Strachey</i>	1799
<i>Mr. Walter Long</i>	1799

Question put, and Committee appointed to draw up reasons to be assigned to the Lords for disagreeing to certain of the Lords Amendments to the Bill.

Committee nominated of—Mr. Alexander Black, Sir Francis Channing, Colonel Kenyon-Slaney, Mr. Long, Mr. Soares, Mr. Solicitor-General, and Sir Edward Strachey.

Three to be the quorum.

To withdraw immediately.—(*Sir Edward Strachey.*)

Workmen's Compensation Bill.—Lords Amendments considered.

The Secretary of State for the Home Department (Mr. Gladstone, Leeds, W.) .. 1800

The following Lords Amendments were agreed to—

Lords Amendments—

“In page 3, line 14, after the word ‘mistake’ to insert the words ‘absence from the United Kingdom’; in line 18, to leave out the words ‘employment abroad’ and to insert the words ‘absence from the United Kingdom’; in line 23, to leave out the words ‘it was sustained’ and insert ‘the accident happened’; in line 41, to leave out from ‘and’ to ‘and’ in page 4, line 2, and insert the words ‘that where the scheme provides for contributions by the workmen, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this Act.’”

“In page 4, line 5, to leave out the word ‘those’ and to insert the word ‘his’; line 20, to leave out from the second ‘the’ to ‘or’ in line 23, and insert the words benefits conferred by any scheme no longer conform to the conditions stated in sub-section (1) of this section.”

“In page 6, line 5, to leave out from the first ‘and’ to the end of line 7, and insert the words ‘upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer’; line 17, after the word ‘exceeding,’ to insert the words ‘in any individual case’; line 19 to leave out from ‘up’ to ‘and’ in line 23; line 23, after the word ‘and’ to insert the words ‘those Acts and’; line 24, after the word ‘accordingly,’ to insert the words ‘where the compensation is a weekly payment the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could if redeemable be redeemed if the employer made an application for that purpose under the First Schedule to this Act.’”

“In page 7, line 27, after the word ‘may,’ to insert the words ‘except where the person injured is the master’; in line 32, after the third ‘the,’ to insert the word ‘master’; in line 33, to leave out the word ‘may,’ and insert the word ‘shall’; in line 36, after the word ‘injured,’ to insert the word ‘master.’”

“In page 8, line 8, after the word ‘a,’ to insert the word ‘master’; in line 17, after the word ‘injured,’ to insert the word ‘master’; in line 35, after the second word ‘of,’ to insert the word ‘masters’; in line 38, to leave out the word ‘such.’”

“In page 9, lines 1 to 5, to leave out paragraph (h). In line 9, at end, to insert as a new sub-section:—

“(2) This section shall extend to pilots to whom Part X. of the Merchant Shipping Act, 1894, applies, as if a pilot when employed on any such ship as aforesaid were a seaman and a member of the crew.”

“In page 10, line 8, after the word ‘furnished,’ to insert the words ‘or is not sufficient to enable that employer to take proceedings under the next following proviso.’”

"In page 12, line 6, to leave out the words 'one or more' and insert the word 'a'; in line 7, to leave out the word 'schemes,' and insert the words 'company or society,' and to leave out the word 'have,' and to insert the word 'has'; in line 10, to leave out the words 'scheme or in one or other of such schemes,' and insert the words 'company or society'; in lines 10 and 11, to leave out the words 'managers of the scheme consent,' and to insert the words 'company or society consents'; in line 13, to leave out the words 'schemes or in one or other of such schemes,' and to insert the words 'company or society'; in line 15, at end, to insert the words 'where such a company or society has been established, but is confined to employers in any particular locality or of any particular class the Secretary of State may for the purposes of this provision treat the industry, as carried on by employers in that locality or of that class, as a separate industry'; in line 26, after the word 'order,' to insert the word 'provisional order.'"

"In page 13, line 13, to leave out the words 'either party,' and insert the words 'an employer or workman'; in line 24, to leave out the words 'rules of,' and to insert the words 'the rules of the.'"

"In page 14, lines 16 and 17, to leave out the words 'summary conviction,' and insert the words 'conviction under the Summary Jurisdiction Acts.'"

"In page 15, line 25, to leave out from '1894' to the end of the paragraph.

Read a second time, and agreed to.

Lords Amendment—

"In page 19, line 9, after the word 'shillings' to insert the words '(c) In the case of a workman who has in accordance with regulations made by the Secretary of State obtained from a certifying surgeon a certificate to the effect that on account of old age or the loss of an eye, or a limb, or of any other serious physical infirmity or incapacity specified in the regulations, he is specially liable to serious accident if employed in any employment of any class specified in the certificate, and who has entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable to him under this Act, the compensation if payable in respect of an accident happening to the workman whilst employed in an employment of any such class shall not exceed that maximum, but the maximum shall not be less—

(i.) Where death results from the injury and the workman leaves any dependants, than fifty pounds;

(ii.) Where total or partial incapacity for work results from the injury, than a weekly payment during the incapacity of ten shillings, and," read a second time.

Mr. Gladstone 1803

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."

Dec. 20.]

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Mr. Harwood-Banner (Liverpool, Everton) 1803

Question put, and agreed to.

Lords Amendments—

“ In page 19, line 10, to leave out the words ‘ in computing,’ and to insert the words ‘ for the purposes of the provisions of this schedule relating to ’; in lines 10 and 11, to leave out the words ‘ for the purposes of this schedule ’; and to insert the words ‘ of a workman ’; in lines 12 to 15, leave out Paragraph (a); in lines 16 and 17, to leave out the words ‘ where the workman was not employed at such a fixed rate of earnings, his ’; in line 19, to leave out the word ‘ he,’ and to insert the words ‘ the workman ’; in line 30, to leave out the words ‘ was engaged under,’ and to insert the words ‘ had entered into concurrent ’; in line 31, after the word ‘ employers,’ to insert the words, ‘ under which he worked at one time for one such employer, and at another time for another such employer.’ ”

“ In page 20, line 12, after the word ‘ and,’ to insert the words, ‘ to take or prosecute.’ ”

“ In page 21, line 2, after the word ‘ court,’ to insert the words ‘ or an award ’; in line 6, to leave out the word ‘ further ’; in line 7, after the word ‘ order,’ to insert the words ‘ or the award ’; in line 21, after the first ‘ or,’ to insert the words ‘ subject to regulations of the Treasury ; ’ ”

Read a second time, and agreed to.

Lords Amendment—

“ In page 22, line 3, to leave out the words ‘ both parties,’ and to insert the words ‘ either party,’ and to leave out the word ‘ applicants ’ and insert the word ‘ applicant,’ ” read a second time.

Mr. Gladstone 1805

Motion made, and Question proposed, “ That this House doth disagree with the Lords in the said Amendment.”

Mr. Laurence Hardy (Kent, Ashford) 1805

Question put, and agreed to.

Lords Amendments—

“ In page 22, line 19, after the word ‘ and,’ to insert the words ‘ to take or prosecute.’ ”

“ In page 23, line 3, after the word ‘ thereto,’ to insert the words ‘ provided that nothing in this paragraph shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum ; ’ to leave out lines 31 and 32; in line 33, after (1), to insert the words ‘ For the purpose of settling any matter which under this Act is to be settled by arbitration.’ ”

"In page 24, line 30, to leave out the word 'or,' and after the word 'arbitrator,' to insert the words 'or Judge of the County Court, subject as respects such Judge and an arbitrator appointed by him to rules of Court;' in line 43, to leave out from the word 'Court' to 'who' in line 44."

"In page 26, line 6, after the word 'unless,' to insert the words 'in either case;' in lines 13 and 14 to leave out the words 'in which the accident out of which the said matter arose occurred,' and insert the words 'prescribed by rules of Court.'"

"In page 27, lines 2 and 3, to leave out the words 'appoint a medical referee to report on,' and to insert the words 'submit to a medical referee for report;' in line 14, to leave out (b) and (c), and to insert (d) and (e)."

Read a second time, and agreed to.

Committee appointed to draw up reasons to be assigned to the Lords for disagreeing to certain of the Amendments made by the Lords to the Bill.

Committee nominated of—Mr. Secretary Gladstone, Mr. Herbert Samuel, Mr. Burns, Mr. Barnes, and Mr. Fenwick.

Three to be the quorum.

To withdraw immediately.—(*Mr. Secretary Gladstone.*)

Public Trustee Bill [LORDS.]—As amended, considered.

Drafting Amendment agreed to.

Amendments proposed to the Bill—

"In page 2, line 24, to leave out the words 'an order of the Court' and insert the words 'apply to the Court for an order.'"—(*Sir John Walton.*)

"In page 2, line 29, to leave out the words 'other than creditors.'"

"In page 2, line 37, to leave out the word 'shares.'"

"In page 2, line 27, to leave out the words 'or securities.'"—(*Mr. Micklem.*)

"In page 2, line 5, at end of sub-section (2), to insert the words 'Provided that (a) the public trustee shall not exercise the right of himself transferring the stock without the leave of the Court; and (d) This sub-section shall not apply to any copyhold land forming part of the estate, but the Public Trustee shall, as respects such land, have the like powers as if he had been appointed by the Court under Section 33 of the Trustee Act, 1893, to convey the land, and Section 34 of that Act shall apply accordingly.'"—(*Sir John Walton.*)

Amendments agreed to.

<i>Mr. Micklem (Hertfordshire, Watford)</i>	..	..	..	..	1807
<i>Mr. Herbert (Bucks, Wycombe)</i>	..	..	..	..	1808

Amendment proposed to the Bill—

“In page 3, line 34, to leave out the words ‘having power to appoint new trustees’ and insert the words ‘authorised in that behalf by any instrument creating a trust.’”—(*Mr. Mickle.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

<i>The Attorney-General (Sir John Walton, Leeds, S.)</i>	..	..	..	1808
<i>Mr. Radford (Islington, E.)</i>	..	..	..	1809

Amendment negatived.

Amendment proposed to the Bill—

"In page 3, line 30, to leave out sub-section (a), and insert '(a) the trust property shall be transferred to the custodian trustee as if he were sole trustee, and for that purpose vesting orders may, where necessary, be made under the Trustee Act, 1893.'"—(*Sir John Walton.*)

Amendment agreed to.

Drafting Amendment agreed to.

Sir John Walton 1810

Amendment proposed to the Bill—

"In page 4, line 21, after the word 'trust' to insert 'or in any view that involves personal liability or otherwise.'"—(Sir John Walton.)

Question, "That those words be there inserted," put and agreed to.

<i>Mr. J. M. Henderson (Aberdeenshire, W.)</i>	..	..	..	..	1810
<i>Mr. Harwood-Banner</i>	..	..	..	..	1810

Amendment proposed to the Bill—

“In page 4, line 25, to leave out the words ‘income of,’—(*Mr. J. M. Henderson.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

<i>Sir John Walton</i>	..	..	..	..	..	..	..	1811
<i>Mr. Bertram</i>	..	..	..	..	..	..	..	1811

Amendment negatived.

Mr. Micklem 1812

Dec. 20.]

Amendment proposed to the Bill—

“In page 5, line 18, at the end, to insert the words ‘subject to rules under this Act any person claiming as beneficiary purchaser or mortgagee to be interested in any trust property held by the Public Trustee either alone or jointly shall be entitled to give a notice to the Public Trustee to operate as regards the trust property in the same manner as a stop order operates upon funds in Court.’”—(*Mr. Micklem.*)

Question proposed, “That those words be there inserted in the Bill.”

Question put, and negatived.

Amendment proposed to the Bill—

“In page 5, line 19, after the word ‘apply’ to insert the words ‘in like manner as to the public trustee in the provision of this sub-section shall apply.’”—(*Mr. Micklem.*)

Question proposed, “That those words be there inserted in the Bill.”

Sir John Walton 1813

Question put, and agreed to.

Mr. Cave 1813

Amendment proposed to the Bill—

“In page 6, line 21, to leave out sub-section 5.”—(*Mr. Cave.*)

Amendment agreed to.

Drafting Amendments agreed to.

Mr. Radford 1814

Amendment proposed to the Bill—

“In page 10, line 17, after the word ‘solicitor,’ to insert the words ‘bank manager.’”—(*Mr. Radford.*)

Question proposed, “That those words be there inserted in the Bill.”

Amendment negatived.

Mr. Micklem 1814

Amendment proposed to the Bill—

“In page 11, line 11, to leave out from the word ‘shall,’ to the end of line 15, and insert the words ‘in default of agreement between the parties be paid by the applicant unless the Court otherwise direct.’”—(*Mr. Micklem.*)

Question proposed, “That the words proposed to be left out stand part of the Bill.”

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<i>Sir John Walton</i>	1815
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Amendment negatived.

<i>Mr. Radford</i>	1815
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Amendment proposed to the Bill—

“In page 11, line 12, after the first word ‘the’ to insert the words ‘capital of the.’”—(*Mr. Radford.*)

Question, “That those words be there inserted,” put, and negatived.

Amendment proposed to the Bill—

“In page 11, line 37, to leave out the word ‘regulating and insert the word ‘prescribing.’”—(*Sir John Walton.*)

Amendment agreed to.

The Report stage of the Bill was concluded.

Motion made, and Question proposed, “That the Bill be now read the third time.”

<i>Mr. Micklem</i>	1816
<i>Sir Howard Vincent (Sheffield, Central)</i>	1817
<i>Mr. R. Pearce</i>	1817
<i>Sir John Walton</i>	1818

Question put, and agreed to.

Bill read the third time, and passed, with Amendments.

Notice of Accidents Bill.—Lords Amendments considered.

Lords Amendments—

“In page 3, line 29, after the word ‘workshop,’ to insert the words ‘including any place which for the purpose of the provisions of the Factory and Workshop Act, 1901, with respect to accidents is a factory or workshop, or is included in the word “factory” or “workshop,” or is part of a factory or workshop.’”

“In page 4, line 9, after the word ‘seven,’ to insert the words ‘but the Secretary of State may appoint a later date (not being later than the first day of January one thousand nine hundred and eight) for any special provision of the Act to come into operation, and if a later date is so appointed, that special provision shall not come into operation until that later date.’”

Read a second time.

<i>The Under-Secretary of State for the Home Department (Mr. Herbert Samuel, Yorkshire, Cleveland)</i>	1819
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Dec. 22.]

Question, "That this House doth agree with the Lords in the said Amendments," put, and agreed to.

Land Tax Commissioners' Bill.—Lords Amendment to be considered forthwith; considered, and agreed to 1819

Expiring Laws Continuance Bill.—Lords Amendments to be considered forthwith; considered, and agreed to 1819

Town Tenants (Ireland) Bill.—Lords Amendment, in lieu of Lords Amendment disagreed to by this House, to be considered forthwith; considered, and agreed to 1819

MESSAGE FROM THE LORDS.—That they have agreed to—Amendment to Amendment to Merchant Shipping Acts Amendment (No. 2) Bill, without Amendment.

Removal of Offensive Matter Bill.—(Census of Production Bill), without Amendment.

Education (Provision of Meals) Bill, with Amendments 1820

Education (Provision of Meals) Bill.—Lords Amendments to be considered To-morrow, and to be printed. [Bill 383.] 1820

Land Tenure Bill.—Reason for disagreeing to certain of the Lords Amendments to the Bill reported, and agreed to.

To be communicated to the Lords—(*Sir Edward Strachey*) 1820

Workmen's Compensation Bill.—Reason for disagreeing to certain of Lords Amendments to the Bill reported, and agreed to.

To be communicated to the Lords.—(*Mr. Secretary Gladstone*) 1320

Whereupon Mr. DEPUTY SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

The House adjourned at ten minutes past Eleven o'clock.

HOUSE OF LORDS: FRIDAY, 21st DECEMBER, 1906.

PETITIONS.

EDUCATION.—Petitions in favour of denominational religious teaching in schools; of parents and guardians of children attending school in Rochdale; and teachers in public elementary schools (signing); read, and ordered to lie on the Table 1821

RETURNS, REPORTS, ETC.

PAWNBROKERS (IRELAND).—Returns from the City Marshal of Dublin for the year 1905: Laid before the House (pursuant to Act), and ordered to lie on the Table 1812

Dec. 21.]

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National Galleries of Scotland Bill. —Read 3 (according to order), and passed	1821
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Public Trustee Bill [H.L.].—Commons Amendments considered (according to order).

<i>The Lord Chancellor (Lord Loreburn)</i>	1821
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Moved, “That the House do agree with the Commons Amendments.”—
(*Lord Loreburn.*)

On Question, Motion agreed to.

Workmen's Compensation Bill.—Commons reasons for disagreeing to certain of the Lords Amendments considered (according to order).

<i>Earl Beauchamp</i>	1822
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Moved, “That this House do not insist on the said Amendment.”—(*Earl Beauchamp.*)

<i>The Marquess of Lansdowne</i>	1823
<i>Lord Balfour of Burleigh</i>	1823
<i>Lord Stalbridge</i>	1824
<i>The Earl of Camperdown</i>	1824

On Question, Motion agreed to.

<i>Earl Beauchamp</i>	1825
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Moved, “That the House do not insist on the said Amendment.”—(*Earl Beauchamp.*)

On Question, Motion agreed to.

Land Tenure Bill (NOW AGRICULTURAL HOLDINGS BILL).—Order of the Day, for the consideration of the Commons Amendments to the Lords Amendments, and the reasons or disagreeing to certain of the Lords' Amendments, read.

<i>The President of the Board of Agriculture and Fisheries (Earl Carrington)</i>	1826
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Moved, “That the Commons Amendments to the Lords Amendments and the reasons for disagreeing to certain of the Lords Amendments be now considered.”—(*Earl Carrington.*)

<i>Lord Balfour of Burleigh</i>	1828
<i>The Lord Privy Seal (The Marquess of Ripon)</i>	1831
<i>The Duke of Northumberland</i>	1832
<i>The Lord President of the Council (The Earl of Crewe)</i>	1835
<i>The Marquess of Lansdowne</i>	1836
<i>The Lord Chancellor</i>	1839

On Question, Motion agreed to.

<i>Earl Carrington</i>	1839
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Moved, "That this House do agree with the Commons Amendment to the
the Lords Amendment."—(*Earl Carrington.*)

The Earl of Camperdown 1840

On Question, Motion agreed to.

Earl Carrington 1840

Moved, "That this House do agree to the Commons Amendment to the
Lords Amendment."—(*Earl Carrington.*)

On Question, Motion agreed to.

Earl Carrington 1841

Moved, "That this House do not insist upon the said Amendment."—
(*Earl Carrington.*)

The Duke of Northumberland 1841

The Earl of Camperdown 1841

On Question, Motion agreed to.

Earl Carrington 1842

Moved, "That this House do not insist upon the said Amendment."—(*Earl
Carrington.*)

The Duke of Northumberland 1842

The First Lord of the Admiralty (Lord Tweedmouth) 1843

The Earl of Camperdown 1843

The Lord Chancellor 1843

The Duke of Northumberland 1844

The Marquess of Lansdowne 1844

The Marquess of Ripon 1844

On Question, Motion agreed to.

Earl Carrington 1845

Moved, "That this House do agree with the Commons Amendment to the
Lords Amendment."—(*Earl Carrington.*)

On Question, Motion agreed to.

Earl Carrington 1845

Moved, "That this House do agree with the Commons Amendment to the
Lords Amendment."—(*Earl Carrington.*)

The Earl of Camperdown 1846

Lord Lovat 1846

Lord Saltoun 1846

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On Question, Motion agreed to.

<i>The Duke of Northumberland</i>		1849
<i>The Marquess of Lansdowne</i>		1849
<i>The Lord Chancellor</i>	.. .. .	1850

Land Tax Commissioners Bill ; Expiring Laws Continuance Bill—		
Returned from the Commons with the Amendment agreed to	.. ..	1851

Education (Provision of Meals) Bill—	Returned from the Commons with the Amendments agreed to,		1851
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Town Tenants (Ireland) Bill.—	Returned from the Commons with the Amendment made by the Lords in lieu of the Amendment disagreed to by the Commons, agreed to		1851
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ROYAL COMMISSION.—The following Bills received the Royal Assent :—

1. Marine Insurance.
2. Street Betting.
3. Licensing (Removal of Doubts).
4. Removal of Offensive Matter.
5. Burials.
6. Recorders, Stipendiary Magistrates, and Clerks of the Peace.
7. Trade Disputes,
8. Merchant Shipping Acts Amendment (No. 2).
9. Census of Production.
10. National Galleries of Scotland.
11. Land Tax Commissioners.
12. Expiring Laws Continuance.
13. Notice of Accidents.
14. Agricultural Holdings.
15. Town Tenants (Ireland).
16. Education (Provision of Meals).
17. Workmen's Compensation.
18. Public Trustee.
19. Falkirk and District Tramways (Extensions) Order Confirmation.
20. Ure Elder Fund Order Confirmation.
21. Edinburgh Suburban Electric Tramways Order Confirmation.
22. Ardrossan, Saltcoats and District Tramways Order Confirmation.
23. Dumbartonshire Tramways Order Confirmation.
24. Dunfermline and District Tramways Order Confirmation 1851

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HIS MAJESTY'S SPEECH.—And afterwards His Majesty's Most Gracious Speech was delivered to both Houses of Parliament by the LORD HIGH CHANCELLOR (in pursuance of His Majesty's Command).

Then a Commission for proroguing the Parliament was read.

After which the LORD CHANCELLOR said :—

My Lords and Gentlemen, By virtue of His Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in His Majesty's Name, and in obedience to His Commands, prorogue this Parliament to Tuesday, the Twelfth day of February next, to be then here holden ; and this Parliament is accordingly prorogued to Tuesday the Twelfth day of February next.

HOUSE OF COMMONS: FRIDAY, 21ST DECEMBER, 1906.

The House met at Twelve of the Clock.

MR. SPEAKER'S INDISPOSITION.—The Clerk at the Table informed the House of the unavoidable absence of Mr. Speaker from this day's Sitting owing to continued indisposition.

Whereupon Mr. EMMOTT, the Chairman of Ways and Means, proceeded to the Table, and, after Prayers, took the Chair as Deputy-Speaker, pursuant to the Standing Order 1856

PETITIONS.

PARLIAMENTARY FRANCHISE.—Petition from Godalming, for extension to women ; to lie upon the Table 1856

RETURNS, REPORTS, ETC.

PAWNBROKERS' RETURN (IRELAND).—Copy presented, of Returns from the City Marshal of Dublin for the year ended 31st December, 1905 [by Act] ; to lie upon the Table 1856

METROPOLITAN WATER BOARD.—Copy presented, of First Annual Report of the Metropolitan Water Board for the year ending 31st March, 1904 [by Act] ; to lie upon the Table, and to be printed. [No. 399.] 1856

PARLIAMENTARY PAPERS.—Mr. Deputy-Speaker laid upon the Table :—List of the Bills, Reports, Estimates, and Accounts and Papers printed by order of the House, and of Papers presented by command, Session 1906, with a General Alphabetical Index thereto, 28th Parliament, First Session, 6th Edward VII., 13th February, 1906, to 21st December, 1906 ; to be printed. [No. 400.] 1856

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ALCOHOLIC BEVERAGES.—Copy ordered, “of Memorandum and Statistical Tables showing the production and consumption of Alcoholic Beverages (Wine, Beer and Spirits) in the British Empire and the principal Foreign Countries; and the Revenue derived therefrom in recent years as far as the particulars can be stated (in continuation of Parliamentary Paper, No. 345, of Session 1904).”—(*Mr. Kearley*).

Copy presented accordingly; to lie upon the Table, and to be printed.
[No. 401.]

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

DEVONPORT EDUCATION AUTHORITY AND KEYHAM ROMAN CATHOLIC SCHOOL.—
Question, Lord Edmund Talbot (Sussex, Chichester); Answer, Mr. Birrell 1857

RELIGIOUS CENSUS OF PUPILS OF ELEMENTARY SCHOOLS.—Question, Sir Howard
Vincent (Sheffield, Central); Answer, Mr. Birrell 1857

FEES AT ST. GEORGE'S COMMERCIAL SCHOOL, RAMSGATE.—Question, Mr. E. H.
Lamb (Rochester); Answer, Mr. Birrell 1858

MASTER AND SERVANT—UNFAIR CONTRACTS.—Question, Mr. Bowerman (Dept-
ford); Answer, Sir John Walton 1858

CONSTRUCTION OF A RAILWAY FROM WESTPORT TO LANESBOROUGH.—Question,
Dr. Ambrose (Mayo, W.); Answer, Mr. Birrell 1859

IRISH EVICTED TENANTS—APPLICATION OF MR. P. FOLEY.—Question, Mr. Wm.
Abraham (Cork County, N.E.); Answer, Mr. Bryce 1859

RE-SALE OF THE WINN ESTATE, COUNTY KERRY.—Question, Mr. Boland (Kerry,
S.); Answer, Mr. Bryce 1860

MESSAGE FROM THE LORDS.—That they have agreed to National Galleries of
Scotland Bill, Falkirk and District Tramways (Extensions) Order Confirma-
tion Bill, without Amendment.

Amendments to Amendments to Land Tenure Bill, now Agricultural
Holdings Bill, and to the Consequential Amendments made to the Bill, with-
out Amendment; and do not insist on their Amendments to which this
House has disagreed.

That they do not insist on their Amendments to the Workmen's Com-
pensation Bill, to which this House has disagreed.

That they have agreed to Amendments to Public Trustee Bill [Lords],
without Amendment.

QUESTIONS IN THE HOUSE.

COST OF THE MACEDONIAN REFORM SCHEME.—Question, Mr. Rees (Mont-
gomery Boroughs); Answer, The Secretary to the Local Government
Board (Mr. Runciman, Dewsbury) 1861

MENSTON ASYLUM, LEEDS.—Question, Mr. O'Grady, Leeds, E.); Answer,
The Secretary of State for the Home Department (Mr. Gladstone, Leeds,
W.) 1862

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LEEDS SORTING STAFF—HOURS OF DUTY.—Question, Mr. O'Grady (Leeds, E.) ;
 Answer, The Postmaster-General (Mr. Sydney Buxton, Tower Hamlets,
 Poplar) 1862

THE HOUSE OF LORDS.—Questions, Mr. Whitley (Halifax), Mr. P. Barlow
 (Bedford), Mr. Myer (Lambeth, N.), Mr. Raphael (Derbyshire, S.), Mr.
 Rainey (Kilmarnock Burghs,) Mr. Lehmann (Leicestershire, Market
 Harborough) ; Answers, The Prime Minister and First Lord of the Treasury
 Sir H. Campbell-Bannerman, Stirling Burghs) 1865

Education (Provision of Meals) Bill.—Order read for the Consideration of
 the Lords Amendments.

The Secretary to the Board of Education (Mr. Lough, Islington, W.) .. 1865

Question proposed, “That this House doth agree with the Lords in the
 said Amendments.”—(*Mr. Lough.*)

<i>Mr. Barnes (Glasgow, Blackfriars)</i>	1866
<i>Mr. Eugene Wason (Clackmannan and Kinross)</i>	1868
<i>Mr. Arthur Henderson (Durham, Barnard Castle)</i>	1869
<i>Dr. Macnamara (Camberwell, N.)</i>	1869
<i>The Prime Minister and First Lord of the Treasury (Sir H. Campbell- Bannerman, Stirling Burghs)</i>	1870
<i>Sir Henry Craik (Glasgow and Aberdeen Universities)</i>	1872
<i>Mr. Laidlaw (Renfrewshire, E.)</i>	1874
<i>Mr. J. D. White (Dumbartonshire)</i>	1875
<i>Mr. Keir Hardie (Merthyr Tydvil)</i>	1876
<i>Mr. Ainsworth (Argyllshire)</i>	1878
<i>Mr. Harold Cox (Preston)</i>	1878
<i>Sir W. J. Collins (St. Pancras, W.)</i>	1879
<i>Mr. Rainey (Kilmarnock Burghs)</i>	1880
<i>Mr. Morton (Sutherland)</i>	1880

Question put, and agreed to.

Lords Amendments—

“In line 5, after the word ‘England’ to insert the word ‘and’
 and leave out the words ‘and Scotland;’”

“To leave out Clause 7, and to insert in lieu thereof the words
 ‘this Act shall not apply to Scotland;’”

Read a second time, and agreed to.

Message to attend the Lords Commissioners.

The House went ; and the Royal Assent was given to a number of Bills
 (*see cols. 1851–2*).

And afterwards His Majesty's Most Gracious Speech was delivered to both
 Houses of Parliament by the Lord High Chancellor (in pursuance
 of His Majesty's Commands).

After which the Lord Chancellor said :

My Lords and Gentlemen,

By virtue of His Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in His Majesty's Name, and in obedience to His Commands, prorogue this Parliament to Tuesday, the twelfth day of February next, to be then here holden ; and this Parliament is accordingly prorogued to Tuesday, the Twelfth day of February next.

End of the 1st Session of the 28th Parliament of the United Kingdom of Great Britain and Ireland in the sixth year of the Reign of His Majesty King Edward VII.

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VOLUME CLXVII.

ERRATA.

December 17th, 1906. Mr. LYTTLETON'S Speech.

In Col. 1078, line 51, *for* "have" *read* "had" ; line 54, *for* "is" *read* "was."

In Col. 1079, line 31, *omit* "more."

In Col. 1080, line 46, *after* "but," *insert* "because."

In Col. 1081, line 16, *for* "out" *read* "up," line 27, *omit* "my" ; line 32, *after* "periods" *insert* "from seventy to twenty years" ; line 33, *after* "is" *insert* "historically" ; lines 35-6 *should read* "that they sometimes led to friction ; every constitution, even the British Constitution, sometimes leads to friction" ; line 42, *for* "gain" *read* "diffuse" ; line 49, *for* "merging" *read* "blurring."

In Col. 1082, line 8, *after* "not" *insert* "only" ; *omit* lines 10-11 ; line 12, *for* "they" *read* "we" ; and *after* "to" *insert* "specially" ; line 22 *should read* "to a date more remote from the war. Lastly," ; line 32, *for* "capitalism" *read* "provincialism" ; line 38-9, *for* "devolution" *read* "evolution" ; lines 48-9, *for* "the purview of the Colony" *read* "the Colonies" ; line 54, *omit* "responsible."

In Col. 1083, line 2, *for* "are" *read* "is" ; line 29, *for* "factious" *read* "imprudent" ; line 48, *for* "That" *read* "Then."

In Col. 1084, line 24, *after* "Government" *omit* (down to) "Colony" in line 50.

In Col. 1087, line 9, *after* "contract" *insert* "at a much later stage in its currency" ; line 56, *for* "has" *read* "had."

Dec. 21.]

In Col. 1088, line 18, *for* " was " *read* " conferred " ; lines 37-8, *for* " gives a person a statutory right " *read* " establishes a statutory contract " ; line 49, *after* " unfortunate " *insert* " and discreditable."

In Col. 1089, line 27, *after* " Government " *insert* " before they granted special and invidious privileges."

In Col. 1090, line 17, *after* " forward " *insert* " some of."

December 19th, 1906. Mr. VERNEY'S Speech.

In Col. 1553, line 6, *should read* " to deal with cumulative acts of injustice, in many cases lasting over several generations " ; line 17 *after* " that " *insert* " some of " ; line 18 *after* " landlords " *insert* " of whom there were so many " ; line 20, *after* " landlords " *insert* " and that they should allow themselves to be put on the same level with them."

December 20th, 1906. Mr. ADKINS' Speech.

In Col. 1765, line 26, *should read* " It was not a question of the victory " ; line 28 *for* " it was " *read* " administrative necessity made it " ; line 53, *after* " question " *insert* " Those who had been most anxious to make and take concessions on the Education Bill would be among the most resolute in supporting whatever action the Government decided to take on this matter."

THE PARLIAMENTARY DEBATES

(AUTHORISED EDITION)

IN THE

FIRST SESSION OF THE TWENTY-EIGHTH PARLIAMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND IRELAND, APPOINTED TO MEET
THE THIRTEENTH DAY OF FEBRUARY IN THE SIXTH YEAR OF THE
REIGN OF

HIS MAJESTY KING EDWARD VII.

SIXTEENTH VOLUME OF SESSION 1906.

HOUSE OF LORDS.

Tuesday, 11th December, 1906.

The Earl of Cranbrook sat first in
Parliament after the death of his father.

PRIVATE BILL BUSINESS.

Ardrossan, Saltcoats and District
Tramways Order Confirmation Bill [H.L.];
Dunfermline and District Tramways
Order Confirmation Bill [H.L.]; Dun-
bartonshire Tramways Order Confirma-
tion Bill [H.L.]. Read 2^a (according to
order), and (pursuant to the Private
Legislation Procedure (Scotland) Act,
1899) deemed to have been reported from
the Committee; and Bills to be read 3^a
on Friday next.

PETITIONS.

LAND TENURE BILL.

Petitions for amendment of; of mem-
bers of Executive Committee of North

Wales Property Defence Association,
signing (15); read, and ordered to lie on
the Table.

RETURNS, REPORTS, ETC.

ARMY.

Reports on the sanitary condition of
Piershill Barracks, Edinburgh.

TRADE REPORTS: ANNUAL SERIES.

No. 3738. Cuba (Trade for 1905).

BOARD OF AGRICULTURE AND FISHERIES.

Report on the decline in the agricul-
tural population of Great Britain, 1881-
1906.

Presented (by Command), and ordered
to lie on the Table.

SEAMEN'S SAVINGS BANKS (MONEY ORDERS, AND TRANSMISSION OF WAGES).

Account of all deposits received and
repaid by the Board of Trade on account
of Seamen's Savings Banks, under the

authority of the Merchant Shipping Act, 1894, during the year ended 20th November, 1905, and of the interest thereon; statement showing the number and amount of seamen's money orders issued and paid at ports in the United Kingdom and at ports abroad from 1855 to 31st March, 1906; also, statement showing the receipts and payments in connection with the transmission of seamen's wages, home and foreign, from 1878 to 31st March, 1906: Laid before the House (pursuant to Act), and ordered to lie on the Table.

ARMY.

Return respecting: Laid before the House (pursuant to Address of 24th July last), and to be printed. (No. 230.)

STREET BETTING BILL [H.L.].

Returned from the Commons agreed to, with Amendments: The said Amendments to be printed. (No. 229.)

REMOVAL OF OFFENSIVE MATTER BILL (No. 231).

RECORDERS, STIPENDIARY MAGISTRATES, AND CLERKS OF THE PEACE BILL (No. 232).

LICENSING (REMOVAL OF DOUBTS) BILL (No. 233).

Brought from the Commons and read 1^a, and to be printed.

TOWN TENANTS (IRELAND) BILL.

Order of the day for the House to be put into Committee read.

Moved, "That the House do now resolve itself into the said Committee."—(*Lord Denman*.)

THE MARQUESS OF LONDONDERRY: My Lords, before your Lordships accept the Motion which has just been moved I should like to ask your indulgence, while I say a few words on this Bill. A short time ago I received from the cities of Belfast and Londonderry a very important deputation headed by an ex-Lord Mayor and representing no less than 7,000 property owners in those two important cities. The great majority of

those represented were small owners who had invested their savings in this town property. These men view with considerable apprehension the compensation clause of this Bill, for as working men they are not in a position to pay heavy compensation should it be demanded of them by out-going tenants. It may be asked, and very justly, why have I not placed an Amendment on the Paper to Clause 1. I am bound to confess that my friends from Belfast and Londonderry did not anticipate that the Committee stage of the Bill in your Lordships' House would be reached so soon. They have, therefore, asked me to express their views to-day in order to bring them under your Lordships' notice. They have asked me to point out that it has been the custom in the case of these houses, however small, to keep them in repair, and, owing to the fact that the supply of houses has been greater than the demand, when the lease has come to an end the tenant has never been required to pay any fine. On the contrary, his lease has been renewed on the same terms as before, the owner being satisfied in the possession of a good tenant. Therefore, it is a novelty to them that they should be asked to pay compensation at the expiration of the lease, and they look with apprehension on this clause. It is felt also by those who represent Belfast that if there were anything of this kind, prohibiting, so to speak, or making difficult, the investment of money on these lines, it would most materially retard the development of the city. I ask your Lordships to consider the opposition of the small owners to this clause before the next stage.

THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): My Lords, we do not at all complain of the noble Marquess' having mentioned these points, which I am sure are points of substance, at this stage of the Bill, and when he places his Amendments on the Paper we will, of course, give them all possible consideration. Perhaps I might say on that subject that a certain degree of inconvenience has been I think caused by the fact that none of the Amendments on this Bill have appeared until this morning. I may remind your Lordships that the inconvenience is particularly felt when no Minister actually in charge of the Department concerned sits in this

House. Therefore I think my noble friend and I must apologise beforehand for any shortcomings that we may exhibit in debate, owing to our not having had long to consider the Amendments.

THE MARQUESS OF LONDONDERRY : I only received my copy of the Amendments at three o'clock this afternoon, and then I had to telephone for it.

THE EARL OF CREWE: Mine never reached me at all, so far as the one sent to my house was concerned. I received one, however, at my office.

THE EARL OF DONOUGHMORE: I am sure we are very sorry if the noble Earl feels inconvenience from the fact that our Amendments were not put down earlier, but the same thing applies to the Government Amendments, which we have now seen for the first time.

THE EARL OF CREWE: But they are very small Amendments.

On Question, Motion agreed to.

House in Committee (according to Order).

Clause 1:—

***LORD CLONBROCK** moved an Amendment limiting the operation of the clause to improvements made "subsequent to the date of the passing of this Act." He said there were several points in the Bill to which exception might be taken, as would be seen from the Amendments on the Paper. The one to which he wished to direct their Lordships' attention at this moment was perhaps one of the most important in the Bill. It was occasioned by the retrospective effect of Clause 1. By that clause, as it stood, any town tenant on quitting his holding, might claim compensation from his landlord for any improvement executed by himself or his predecessor in title. He wished to draw their Lordships' attention to Clause 3 of the Bill. In the case of a tenant executing improvements after the passing of this Bill, he had first to serve notice on his landlord, accompanied by a plan or specification of the improvement he intended to execute. The landlord then had three months

given to him to make an objection to the improvement, and the tenant could only obtain compensation in respect of that improvement if the landlord's objection had been over-ruled by the county court. Further, there was a provision in subsection (2) of Clause 3 which enabled the landlord to bar the claim of the tenant for compensation by executing the improvement himself. If it had been found necessary, he thought very properly, to safeguard the rights of the landlord in regard to any improvements executed subsequent to the passing of the Bill, it was surely most unreasonable that a landlord should be called upon to pay compensation under totally different conditions. He would like the Committee to take into consideration the circumstances connected with such an improvement. The tenant had made the improvement, being perfectly aware that as the law then stood he could obtain no compensation for it from his landlord. He had made it evidently believing that it would pay him to do so, and that from the improvement such benefit would accrue to him during the remainder of his tenure as would recoup him for the expenditure incurred. He had, therefore, made the improvement with his eyes open and knowingly at his own expense. The result of this was that if his calculation had been a just one and he had received the corresponding benefit from the improvement, it was quite clear he had no claim to further compensation, and it would be most unjust to extract it; and, if he had not got that benefit, he had made a miscalculation, and had not added to the letting value of his holding, and was not entitled to compensation. This was not only a case of large towns and cities, and wealthy landlords and tenants. The Bill extended, they had every reason to believe, to all towns in Ireland; with the exception of the word "town," in the title of the Bill there was no definition of how far it might go. In any event it must extend to the smaller towns of Ireland, and it was the case that in those smaller towns the largest proportion—he had heard it put at 80 or 90 per cent.—of town landlords were small people, people who had put by a little money and invested it in house property. In the case of such a claim for improvements the litigation which would ensue would be most detrimental to their interests, and if the claims were successfully enforced, the

result would, in many cases, be absolute ruin. He trusted, therefore, that their Lordships would see the injustice of the retrospective effect of the Bill, and would accept his Amendment.

Amendment moved—

"In page 1, line 9, after the word 'made' to insert the words 'subsequent to the date of the passing of this Act.'"—(*Lord Clonbrock.*)

THE EARL OF MAYO supported the Amendment, and said the retrospective part of the clause might result in tenants claiming for improvements which were made two or three generations ago. He asked their Lordships to consider what would be the effect of that. There would be a long vista of law suits before them, and there was no doubt that attorneys in country towns would reap an enormous benefit from this litigation. The bricks and mortar would remain, but most of the value of the bricks and mortar would be in the country attorney's hands by the time all the compensation law suits had been settled. As his noble friend had said, in the future, as the Bill stood, the landlord would have a voice as to the propriety of intended improvements. If the Government recognised the principle in one case, why did they not recognise it in the other? The Government could not alter the law as regarded household property in Ireland without admitting that the principle should be extended to England. If the principle was admitted for Ireland, why should it not be extended to England? He would like to see some of the countenances of noble Lords from England if they were faced with a Bill that gave a tenant the right to claim compensation for improvements that he had made, say, in London. He was sure their Lordships were not in the least prepared to apply the principle to England, and he failed, as an Irishman, to see why, in those circumstances, it should be applied to Ireland. He disliked very much this sort of experimental legislation being tried on Ireland. If it did not suit, then there had to be amending Bills, and they were landed in litigation and trouble for many years. It was very curious what effect the retrospective part of this Clause would have upon a body in Ireland which was mainly Nationalist, and Nationalist of a very pronounced type. He alluded to the Corporation of Dublin. The Bill

hit the Corporation of Dublin rather hard. The corporation owned valuable and improving town property in Grafton Street and College Green, and also at Marino and Clontarf outside Dublin. This property represented a secured rental of over £30,000 per annum, and it was the main security for the corporation loan. If this clause passed as it stood, these tenants would all rush into court and claim compensation for improvements in respect of which, when they took the leases, they had not the slightest chance of obtaining any compensation whatsoever. What would be the result? The property would be depreciated and the security would be gone. The Dublin Corporation had already borrowed almost up to the hilt. The effect would be that the ratepayers would have to suffer. He quoted this instance as showing that the Nationalist Party had forged a two-edged sword. This was one of the many curious anomalies in the Bill. He hoped their Lordships would support his noble friend in striking out the words from Clause 1 which made the tenant's right to compensation for improvements retrospective.

LORD DUNBOYNE also supported the Amendment. He said there were several other persons besides landlords who would be hit by the Bill. He referred to insurance companies, reversion societies, and other public bodies. These corporations were large holders of ground rents which they had purchased on the basis of a calculation that at the expiration of their terms they would be entitled to the absolute reversion free of all compensation of any kind. If the clause as it stood was allowed to remain, they would have to pay for compensation for improvements which at the time they purchased the ground rents they probably paid for. Mortgagees also would find that their securities were very much diminished in value, and the result would be that they would either call in their money or require an increased interest, either of which courses of action would be a great hardship to the landlord. The class of persons for whom he would most urgently plead were those poor people who had invested their savings in house property. They were, as he understood, and he had it on good authority, 80 or 90 per cent. of the total number of holders of house

property of Ireland. These poor people would be utterly ruined if they had to meet the demands of their tenants for compensation, and in their interest he earnestly hoped their Lordships would pass the Amendment.

THE EARL OF DUNRAVEN questioned whether the Amendment was really necessary, or whether it would be necessary if other Amendments on the Paper were accepted by the Committee. As he took it, the retrospective character of the Bill was given to it by definite words. He had an Amendment on the Paper, and there was a similar Amendment in the names of other noble Lords, to leave out the words "made either before or after the passing of this Act." If that Amendment were carried, the Amendment their Lordships were now discussing would be unnecessary, and it would look odd if in one clause the words "subsequent to the date of the passing of this Bill" were specially inserted when the whole of the Bill would have no retrospective action.

LORD ASHBOURNE said the noble Earl who had just spoken need not be apprehensive on this point, for if it seemed proper to their Lordships to accept Lord Clonbrock's Amendment, the other Amendments, to which Lord Dunraven had referred, would be purely consequential thereon.

LORD DENMAN did not think the noble Lords who had spoken were quite justified in all the arguments they had brought to bear against the retrospective action of the clause. For instance, Lord Mayo foresaw claims for compensation going back two or three generations; but the noble Lord would find that, by a later sub-section, the retrospective action of the clause was limited to twenty years, except in the case of permanent buildings. The noble Earl also went on to speak about the condition of houses in London. He did not himself know very much about the conditions of leases and tenancies in London, but he heard a distinguished Member of another place say the other day that in his opinion these conditions were a scandal and a disgrace to any civilised country, and the right hon. Gentleman who made that remark was one who was sometimes quoted by noble

Lords opposite—Sir Edward Carson. He did not, however, wish to labour this point. He was very glad to hear one remark which fell from Lord Clonbrock, that the smallest hamlet must be included under the Bill. He hoped that his noble friend would remember this when they came to consider a later Amendment standing in the name of Lord Pembroke, who desired to limit the action of the Bill to towns.

*LORD CLONBROCK: I said I supposed it extended to small towns. I did not say it extended to the smallest hamlet.

THE EARL OF MAYO: It extends to any house in Ireland.

LORD DENMAN agreed that the Bill extended to every house or non-agricultural holding in Ireland. His point was that he hoped noble Lords would remember this, and support him when he had to resist later on the Amendment standing in the name of Lord Pembroke. Lord Clonbrock had made some rather sweeping assertions with regard to the retrospective action of the Bill. He had criticised it as unjust and unreasonable. Following a noble Lord who was so conversant with Irish affairs, he (Lord Denman) spoke with due submission; but it seemed to him that the unfairness and unreasonableness lay rather in the denial of this principle than in its application. After all, why should a man who made an improvement in the year 1907 get compensation, whereas a man would get no compensation for an improvement made in the year 1906? He would take the case of two houses adjoining each other in a terrace. Possibly some of their Lordships were familiar with terraces in the suburbs of small towns, which resembled each other almost monotonously. He would take two houses exactly alike. The tenant in the first had made an improvement already. Next year another man took the adjoining house and made exactly the same improvement at exactly the same cost. In the first case, the tenant would get no compensation whatever, although he might have been a tenant for several years, but in the second case the man would get compensation. That did not appear to him to be a very fair proceeding. In arguing upon this point one could not

afford to overlook the question of precedent. There were several precedents where the principle of retrospection had been introduced into both English and Irish Acts of Parliament. In Irish Acts there was the precedent of the Land Act of 1870, and, to go further back, the Land Act of 1860; and as an English precedent he would quote the Agricultural Holdings Act of 1883, which was retrospective for ten years with regard to certain particular provisions. It had been asserted in some quarters that the effect of the retrospective application of the Bill as it stood at present was to break contracts. He did not think that was the case. The Act of 1887, introduced and passed by the Government of noble Lords opposite, did break contracts; that was to say, a man could have the terms of his lease revised. A man who had a holding on a lease at £150 a year could go to the Court and say that the rent was excessive, and the Court had power to reduce that rent. That Act, therefore, broke the terms of the lease, and in that sense it certainly broke a contract. But this Bill did nothing of the kind. It added an advantage to the tenant which he did not possess before. He would cite in this respect what was not a precedent, but certainly an analogy, in the English Ground Game Act of 1880, in which the tenant also received an advantage which he had not before and which was retrospective in this way. A distinguished Member of the other House had on one occasion, at all events, expressed himself in favour of the retrospective action of this Bill. He referred to the late Chief Secretary for Ireland, Mr. Walter Long. Speaking at Kingstown in January, Mr. Walter Long said—

“I am the holder of one of these tenancies myself. I have a house that I hold from a great landlord. I have spent money on this house, and I should like to get this compensation.”

Therefore, he thought it was clear that, when Mr. Walter Long used those words, he was in favour of the retrospective action of this clause. Under this particular provision it was hoped to remedy a distinct grievance in Ireland. He understood that in parts of the country, particularly in the county towns and in country districts, the Irish tenant in the past had not displayed the business-like qualities which tenants in England displayed. The custom had been for a

man to hold his tenancy from year to year, and to trust very much to the consideration of his landlord. It was very hard on that man if the holding was sold to a bad landlord and his improvements were confiscated. He had already called the attention of the House to the fact that the retrospective character of the Bill was limited under sub-section (5) of Clause 2 to twenty years. That provision was introduced, as an Amendment, by the late Solicitor-General, Mr. Campbell, in another place, if not in that identical form, at all events practically in that form, and it was accepted by the Attorney-General as the result of an agreement between both Front Benches. Naturally, if their Lordships inserted the Amendment now before the House, that agreement would be valueless. He had nothing more to say, except that it was difficult for him to argue these questions, which required an intimate knowledge of Irish legislation, across the floor of the House, and he asked noble Lords, especially on his side of the House, to consider that if he had not made out as strong a case for the retrospective action of the clause as noble Lords opposite had made against it, it was not due to any inherent weakness of the case he had to present, but to his unfamiliarity with Irish legislation.

LORD ASHBOURNE said the noble Lord in charge of the Bill need make no apology for the way in which he had dealt with the first Amendment. The reasons for declining to accept it he had very clearly stated. He was sure that on the Opposition side of the House the noble Lord would get full consideration for every argument he adduced. This Amendment, like all Amendments, had to be looked at from the point of view of common sense. The application of the principle in this Bill to towns was a distinct novelty. They were familiar with them in agricultural affairs, but not in matters relating to towns. This was a new departure. He was prepared to stand by the Second Reading that had been given to the Bill, and would be glad to welcome any improvements that would arise to tenants under the Bill. They were agreed up to a certain point. It was quite right, in reference to all improvements made with full knowledge of the law, that future tenants should be dealt with adequately,

justly, and generously under the Bill; but when parties in the past had acted with their eyes open and with full knowledge of the law and of its obligations, they had no claim to compensation. In reference to future improvements it was provided that the tenant must give notice to the landlord, and if the parties could not arrive at an arrangement it was to be left to the Court to decide the proper thing to be done. That went to show that when this legislation was adopted and became law it was necessary, in reference to the future, to make careful provision to see that no injustice was done on either side. Was it, therefore, reasonable to apply lightly this legislation to the past? Improvements that had been made in the past must have been made without the slightest knowledge that the occupier could ever found a claim upon them apart from contract; and the case for now suddenly springing *ex post facto* upon the landlord a demand that he should pay for improvements made behind his back and without notice to him obviously rested on entirely different grounds from those to be applied to improvements made with his knowledge and after notice in accordance with the terms of this Bill. The noble Lord had asked why a tenant who had made improvements in 1907 should be better off than a tenant who had made them the year before. Simply because they were made in 1907 with the full knowledge of the change in the law. The noble Lord had said, at the close of his remarks, that sub-section (5) was put in after a discussion with Mr. Campbell, the Attorney-General for Ireland in the late Government and a perfect master of this question. If the Bill was to remain as it stood, that clause should be retained. If the Bill was retrospective, sub-section (5) was a proper provision to put in so that there should be some limitation; but it would not be consistent with the adoption of the Amendment moved by Lord Clonbrock. He was not sure that the wide consequences of this legislation were at all realised. He believed it would have a very serious effect on all classes and all parties in Ireland. It had been truly said that the Corporation of Dublin owned vast property, representing thousands of pounds a year. That corporation would be very seriously affected by this Bill, and possibly would have to pay a great deal of compensation. That

would very seriously affect their income and the security for their loans. The same observation applied, he thought, to Waterford. The corporation there had very considerable property, and if that property were brought within the scope of this Bill it was quite obvious that that corporation would be affected in the same way. For aught he knew, there were many other towns in Ireland similarly situated. Owners of property of every class would find themselves very seriously affected if the Bill passed in its present form. He thought there was great force in the Amendment moved by his noble friend, and he hoped it would receive at their Lordships' hands very favourable consideration.

*LORD ZOUCHE OF HARYNG-WORTH said the Bill appeared to apply to all sorts of leases, whether short or long. It would apply to a ninety-nine years lease just as much as to one for a shorter period. He thought there was very much to be said against a measure of this sort applying in its retrospective character to a long lease, because in the case of a ninety-nine years lease the whole system was really one of give and take.

*THE MARQUESS OF LANSDOWNE: Does not the point which the noble Lord is discussing arise on sub-section (2) of Clause 1, in which the Court is directed to take into account the rent at which the holding is held? I believe there is another Amendment which takes into consideration the question of time, which is the point the noble Lord is now arguing.

THE CHAIRMAN OF COMMITTEES (The Earl of ONSLOW): The Amendment which your Lordships are discussing is whether this Bill should be retrospective or not. The Amendment does not in any way raise the question of leases.

*LORD ZOUCHE OF HARYNG-WORTH said his point was that the retrospective action in the case of a long lease was certainly out of place, whatever might be said in regard to leases of short character. Clause 4 provided that, where in the case of any holding there were several persons standing in the relation to each other of landlord and tenant, the

provisions set out should apply. Claims for compensation of a sweeping character might be made going back a great many years. There was some idea that if compensation for improvements was recovered against a mesne landlord, he might pass it on, so to speak, to the next man. A sort of game of hunt the slipper would ensue, which would be sure to entail endless [difficulty] and complication. It would be difficult to adjust all these varying tenancies and to prevent injustice being done. He hoped their Lordships would support the Amendment now before the Committee and remove this great, and, as he thought, unworkable difficulty from a Bill for which, in other respects, there was much to be said.

*THE EARL OF DUNRAVEN thought that as the Committee were, on this Amendment, going to decide the general question whether the Bill was to be retrospective or not, it would be convenient if he gave his reasons now why he objected to the retrospective character of the Bill. He saw great force in the arguments that had been used from the Opposition side of the House as to the injurious effect which would be produced in the case of great corporations if the provisions of the Bill were made retrospective, but he confessed that his main objection consisted in what seemed to him the plain fact that if the Bill was retrospective it would practically take away from a man valuable property to which he was legally entitled without giving him any compensation whatever. He would not go into the question whether it was fair or unfair that these property owners in towns should have these legal rights. It was quite sufficient for him that they possessed them. He based his objection to the retrospective provision on the ground that no man should be deprived of property to which he was legally entitled without receiving adequate compensation. This was not a mere sentimental enjoyment of proprietary rights. The property in question was definite property easily expressible in terms of money. He believed that considerable hardship would be felt if the Bill was not retrospective on the part of holders of comparatively short leases. He regretted that any hardship should accrue to them, and if it

had been possible in depriving the owner of the rights that he now enjoyed to compensate him for them, he would have preferred that the Bill should be left retrospective. But that seemed to him to be impossible. At any rate it was not anywhere suggested; and it was on the main ground that a man ought not without compensation to be deprived of property to which he was legally entitled that he objected to the retrospective character of the Bill. But he had special reasons also in respect to this particular Bill. This Bill would apply to yearly tenancies in all small towns all over Ireland. There really was no very great difference between the small owners of property in such towns and villages and their immediate neighbours who were occupiers of agricultural holdings who had purchased or who would purchase their holdings. Their Lordships knew that, as the result of recent legislation, thousands of occupying tenants had acquired and were acquiring proprietary rights. They were securing the freehold of their properties, and, subject only to certain restrictions necessary for the security of the State, the property was their own to do what they liked with. The future of those people and the security of the State for the money it lent depended on the successful manner in which they conducted their business, and the success of their business operations would depend very largely upon their outlay of capital in the shape of intelligence, muscle, and money; and he could imagine nothing more likely to restrict these people in laying out their capital than that they should get the smallest inkling of suspicion that, for any reason whatever, Parliament might in the future interfere with and take away from them the property which Parliament had now legally given to them. He believed that the retrospective principle whereby Parliament would deprive men of property without giving any compensation to them would have a disastrous effect upon a vast number of tenants who were now becoming owners of their own farms. It was also for that reason, but chiefly on the main ground he had mentioned, that he did not think a man should without compensation be deprived of property which was legally his, that he objected to the retrospective character of the Bill and supported the Amendment.

THE EARL OF CREWE: My Lords, as regards the main question as to whether or not this Bill should be retrospective in its action, I might first say, on the technical point raised by the noble Earl Lord Dunraven when he rose for the first time, that it seems to me that if this is to be done at all it ought to be done in the way suggested by Lord Dunraven and not in the way suggested by Lord Clonbrock. The proper way, as it seems to me, to effect this object, which I hope will not be effected, is to leave out all the words in the course of the Bill which allude in any way to what may have taken place before the passing of the Act. If that were done, I take it that under the ordinary rules of construction no improvements could be affected but those which were executed after the passing of the Act. That, however, is a merely technical point. My noble friend behind me dealt very fully, and I am sure your Lordships opposite will agree very well, with all the points which are raised under this Clause. He pointed out, with great force as it seemed to me, that this is really not a novel proposition. It has been applied in both of the great Irish Land Acts, and it has also been applied, rather remarkably, I think, in the English Agricultural Holdings Act of 1883. There it was distinctly laid down that in certain cases improvements which had been made without the consent of the landlord had to be paid for after the Act came into operation, even though the improvements had been executed before. The noble Lord who moved this Amendment advanced an argument which has been developed by other noble Lords, that it is not reasonable to do this because the tenants who made these improvements before the passing of the Act would have done so with their eyes open and with the knowledge that under no circumstances could they get any kind of compensation for them. The noble Lord knows his countrymen better than I do, and it maybe the case that every Irishman before laying out a few pounds enters into an elaborate calculation as to whether he has complete and permanent security for that outlay; but my impression is that a great many of the people who made these improve-

ments have done so with a sort of general trust in the kindly dealings of Providence, and in the belief that they would be allowed to enjoy their improvements so long as the improvements had anything left in them, and that although their legal security might not be very good, they had a moral security in the fact that their landlords would be too good-natured to remove them, and by removing them confiscate their improvements. It certainly seems to me that on that ground there exists a very considerable moral claim on the part of these people for the Bill's being made retrospective. Lord Dunboyne dwelt upon the hardship that would be felt by people who had invested in ground rents and by mortgagees through having their security diminished. I am bound to say that a security on ground rents which is enforced and increased by the fact that the people who own the ground are to have the opportunity at some future time of confiscating the tenants' improvements does not appear to me to be a very moral kind of security, and even if it disappears I for one should see its disappearance without any regret. If people advance money on the security of ground rents or on mortgage, it should be on the value of the site or the letting value of the site, and it ought not to need this bolstering up by the possibility, if I may use a popular expression, of collaring the improvements made by other people. I do not deny that the broadly retrospective character of this Bill is in some degree an unusual proposition, but we think that the cases of hardship which it is intended to meet are also unusual; and it is fenced round, as your Lordships will notice when you look at the further provisions of the Bill, by a number of precautions. It is not within a man's power to lay out a lot of money foolishly on making some ornamental addition to the house, to leave the house, and then turn round to the landlord and require him to pay for those improvements. It has to be clearly proved that the letting value of the holding has been increased by the improvements, and how the fairness of that can be disputed I confess passes my comprehension. I see that the noble and learned Lord opposite, Lord Ashbourne, has an Amendment on the

Paper intended still further to safeguard the landlord as regards the sum to be awarded for compensation. We should certainly be disposed, if the noble and learned Lord would agree to reject Lord Clonbrock's Amendment, to regard his Amendment as a very reasonable addition to the Bill. Lord Zouche seemed to regard the retrospective character of the Bill as especially dangerous in view of the fact that it applies to leases for long periods; but I must ask the noble Lord to consider that there again must be borne in mind the fact that it is only the unexhausted improvement which has to be paid for. In the first place, the very great majority, I should have thought almost all, of the buildings on long term leases, ninety-nine years and the like, are the subject of a contract between the landlord and the builder who erects the houses, and consequently, by subsection (4) of Clause 2, no possible claim for compensation for any improvements could be raised so far as the houses are concerned.

LORD ASHBOURNE: Is it intended to exclude building leases?

THE EARL OF CREWE: Yes, so I am advised. For instance, it would exclude all building leases of the character which could be carried out under the Settled Lands Act, with which, of course, the noble and learned Lord is perfectly familiar. I do not say that if additions of a valuable character were made by a tenant to houses built under these leases he would not be able to claim compensation. It appears to me that it would be perfectly right and reasonable that he should. The noble Earl Lord Dunraven dreaded the effect this provision would have upon tenant purchasers under the Land Purchase Act. I am afraid I was not able to follow his argument very closely, but I confess I do not see how the fact that this Bill is retrospective in character can raise any more fears in their minds than might conceivably be raised by the passing of the Bill at all. I can imagine the use of the argument, although I do not think it is one which ought to weigh with noble Lords, that any legislation of this kind might—unreasonably, as I think—cause a certain nervousness

to arise in the mind of tenant purchasers, but I cannot see that its retrospective character would add to those fears. We are, therefore, unable to accept the Amendment, and if it is persisted in we shall be compelled to divide against it.

*THE MARQUESS OF LANSDOWNNE: My Lords, I think your Lordships will not differ from me when I say that a proposal of this kind, a proposal to make this sort of legislation retrospective implies that the burden of proof rests with those who recommend it to Parliament. Surely it is not right to make such legislation retrospective unless it can be clearly established that public interest requires such a step. Now, has any case been made out this evening to show that it is necessary for the public welfare that this provision of the Bill should apply to past improvements? It is clearly not necessary in order to encourage people henceforth to improve the condition of these Irish towns. It may be necessary to put the clause in the Bill to give that encouragement, but it is certainly not necessary to make it retrospective for that purpose. Then, is it necessary in justice to the tenants who have already made such improvements? It has been pointed out that these tenants made their improvements with no expectation that they would receive compensation, and it has not been suggested by anyone that they made the improvements under duress or coercion on the part of their landlords. The noble Earl made rather a singular appeal, an appeal *ad misericordiam*, founded upon what he described as the notorious improvidence of Irish tenants in matters of this kind. Noble Lords who are familiar with Ireland will tell us, perhaps, whether in their experience an Irishman is not generally a pretty shrewd and close bargainer when his pocket is concerned. At any rate, I do not think we can quite afford to accept the noble Earl's picture. There is another very important reason for which I think a distinction should be drawn between improvements made before and after the Act. In the case of improvements made after the Act certain very necessary safeguards are provided in the Bill. Notice has to be given to the

landlord. He has an opportunity of objecting, and he also has an opportunity of making the improvement himself. It is quite obvious that you cannot give those safeguards in the case of an improvement made years ago before this legislation took place. We have had this proposal justified on the ground of old precedents. We are told that the Land Acts broke contracts and were retrospective in their operation. We all know that that is the case, and we protested against those Acts on that ground at the time when they were before Parliament. But if those Acts were agreed to, and agreed to reluctantly, it was because we were constantly told that the agricultural tenants in Ireland were helpless people who could not be trusted to make bargains on their own behalf, and it was for that reason that in the first Land Act an exception was made in the case of what were described as English managed estates and also, I think, in the case of holdings above a certain valuation. At any rate, that legislation was resorted to on the ground that the condition and state of those small Irish tenants was so exceptional that they required the special protection of the law. It really cannot be alleged that what was true of those tenants is also true now of the class of people who build houses in Irish towns. Therefore I cannot allow myself to be influenced by the argument founded on precedent, and if my noble friend goes to a division I shall certainly vote with him.

THE LORD PRIVY SEAL (The Marquess of Ripon): My Lords, I am afraid I hold what your Lordships will consider rather extreme opinions on this subject. It seems to me, if a man makes improvements in the house he occupies, that when his tenure comes to an end upon any ground, and those improvements enable the landlord to let the house for a higher

sum than it was let for before, there is a moral obligation on the owner to compensate the man for giving him that advantage. I am the owner of house property as well as of landed property, and I have always endeavoured to act towards my tenants on that principle. I should be ashamed if I did not do so. I am bound to say, therefore, that I give my full and cordial support to this part of the Bill. As your Lordships will observe, it is only in the case of improvements which, when the tenure terminates, add to the letting value of the house, and from which therefore the owner can obtain an advantage by getting a higher rent, that the Bill would apply. To my mind it is perfectly just and right that that obligation should be enforced. Your Lordships have had before you a variety of precedents for the retrospective application of Acts of this kind, and one of those was that of the Land Act of 1870. I should like to ask my noble friend opposite how he voted upon that occasion. The Land Act of 1870 was passed when my noble friend did not sit on the same side of the House as he does now, and I confess I should be surprised if I found that my noble friend had voted against that Act of that occasion.

THE MARQUESS OF LONDONDERRY said that all owners were not in the position of the noble Marquess who had just spoken. A large number of working men had invested their savings in property which would be affected by the Bill, and were not in a position to pay compensation.

On Question, "That the words 'subsequent to the date of the passing of this Act,' be there inserted," their Lordships divided:—Contents, 123; Not-Contents, 29.

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LORD ASHBOURNE moved the addition of a proviso that the sum to be awarded as compensation for an improvement should not exceed the capitalised value of such addition to the letting value of the holding as the Court should determine to be the direct result of the improvement. He said he understood from what had been stated in the other House by the Chief Secretary that the Government were prepared to accept his Amendment.

Amendment moved—

“In page 1, line 13, after the word ‘landlord,’ to insert the words ‘provided always that

the sum to be awarded as compensation for any improvement shall, in no case, exceed the capitalised value of such addition to the letting value of such holding as the Court shall determine to be the direct result of such improvement.”—(*Lord Ashbourne.*)

LORD DENMAN: The noble and Learned Lord will see that there is an Amendment standing in my name which is very much in the same sense as his. But possibly he prefers his own Amendment to mine.

LORD ASHBOURNE: Strange to say I do.

LORD DENMAN: In that case I may say at once that if the noble and learned Lord insists on his Amendment we shall not resist it.

On Question, Amendment agreed to.

THE EARL OF ARRAN proposed the insertion of words providing that in awarding compensation for improvements the Court should take into consideration the length of time during which the tenant had enjoyed the advantage of his improvements. This, he said, would be in accordance with the Land Act of 1870, which the Government had put forward as the precedent for this Bill. In the Land Act of 1870, which was very germane in many ways to this measure, there were three considerations which had to be taken into account in assessing the compensation due to a tenant for improvements on quitting his holding. Two of these were included in the present measure, which provided that the Court, in awarding compensation to the tenant in respect of such improvements, might, in reduction of the tenant's claim—

“take into consideration the rent at which such holding had been held, and any benefits which the tenant may have received from his landlord in consideration expressly or impliedly of the improvements made.”

For some unexplained reason the other consideration had not been included, and the object of his Amendment was to rectify the omission. It was only fair, if a tenant enjoyed for a great many years the advantage of the improvements, that the whole cost of the improvements should not be thrown upon the landlord. The Amendment he was now moving was brought forward by the Solicitor-General for Ireland during the discussion on the Town Tenants Bill of 1905 in another place, and it was also brought forward during the passage of this Bill through the other House. It might be argued that in the Land Act of 1896 it was laid down that the mere enjoyment by the tenant of any improvement was not to be taken into consideration unless it could be shown that the rent of the holding was fixed, reduced, or abated, or after the improvement was made allowed to remain unaltered in order to recoup the tenant for his expenditure of capital and labour in making the improvement. But in the

Act of 1896 this consideration applied expressly to the fixing of a fair rent on a holding which a tenant had no intention of quitting. On the other hand, this consideration in the present Bill only applied to compensation being given to a tenant on quitting his holding. It was, therefore, an entirely different thing. Great importance was attached to his Amendment in Ireland by a very large number of those interested in land tenure, and he hoped His Majesty's Government would see their way to accept it. There was another reason why his Amendment should be accepted, and it was that it covered the question of wear and tear. Wear and tear might be said to be already covered in Clause 1, but there was no harm in making doubly sure. It was logically fair that a man should not be compelled to pay after nineteen years use for an improvement of a perishable nature at the same rate as if it had been made only a year previously.

Amendment moved—

“In page 1, line 20, after the word ‘consideration,’ to insert the words ‘the time during which the tenant may have enjoyed the advantage of the improvements, and.’”—(*The Earl of Arran.*)

LORD DENMAN said the Amendment did not seem to him to be one of very great importance. It was considered in Grand Committee in the House of Commons, before the Government had adopted the Bill, and was rejected by a majority of twenty when twenty-three only voted. The Government objected to the Amendment on the ground that it was unnecessary, because its object was attained by the words already in the clause directing the Court to take into consideration the rent at which the holding had been held—

“And any benefits which the tenant may have received from his landlord in consideration expressly or impliedly of the improvement made.”

Surely the length of time of a tenancy was a benefit such as the Court would take into consideration. Therefore he submitted that the point was already provided for in the Bill. The noble Earl had quoted the Land Act of 1870 in his favour, but the Committee had just divided against a principle which

was in that Act. It was hardly fair for the noble Earl to take the precedent of the Land Act of 1870 when it suited him and to deride it when it did not suit him. He would also point out that the time during which the tenant might have enjoyed the improvement was not a matter which affected the landlord. All that the landlord was asked to pay for was the actual benefit which he derived from the improvement. This was not a matter of very great importance upon which in their judgment it would be necessary to divide the Committee, but he trusted the noble Earl would not press the Amendment.

THE EARL OF MEATH asked whether in the case of a middleman who had allowed houses to lapse into absolute disrepair so that no tenant would take them, and who threw himself therefore on the head landlord and gave up his tenancy, there could be any claim against the head landlord for improvements which had been made possibly hundreds of years before.

LORD DENMAN said the point raised came under Clause 4 of the Bill, which he thought dealt pretty clearly with it.

THE EARL OF MEATH: And under that clause you think there would be no claim against the landlord?

LORD DENMAN: I do not see how there could be any claim over hundreds of years.

THE EARL OF MEATH: Say 150 years?

LORD DENMAN: In my opinion that would be quite out of the question.

On Question, Amendment agreed to.

Clause 1, as amended, agreed to.

Clause 2:—

Consequential Amendments agreed to.

THE EARL OF DUNRAVEN moved to leave out sub-section (5), which ran—

“A tenant shall not be entitled to claim compensation for any improvement made before

Lord Denman.

the passing of this Act, except permanent buildings, unless made within twenty years before the date of such claim.”

He said this was a consequential Amendment upon the first to which the Committee had agreed.

Amendment moved—

“In page 2, lines 20 to 23, to leave out sub-section (5).”—(*The Earl of Dunraven.*)

On Question, Amendment agreed to.

Consequential Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3:—

LORD ORANMORE AND BROWNE had an Amendment to sub-section (2). That sub-section ran—

“Provided always that the landlord may, at any time after receiving the tenant's notice, or during the hearing by the Court, or after the decision of the Court, undertake to execute the improvement himself, and may execute the same in a reasonable and proper manner, and charge the tenant with a sum not exceeding five pounds per centum per annum on the outlay incurred in executing the improvement, or at the election of the tenant not exceeding such annual sum payable for a period of twenty-five years as will repay such outlay in the said period with interest at the rate of three pounds per centum per annum, such annual sum to be recoverable as rent.”

The object of the Amendment was to insert, before the last seven words of the sub-section, the words, “five pounds per centum or other.” As the sub-section read, an option was given to the landlord to carry out the improvements which had been decided upon at his own expense and charge the tenant 5 per cent. on the money he had expended, or, as an alternative, the tenant might require him to charge such a sum as would repay him within twenty-five years at interest of 3 per cent., such interest to be recovered as rent. By his Amendment power would be given to enable the 5 per cent. to be recovered as rent in the same way as the 3 per cent.

Amendment moved—

“In page 3, line 11, after the word ‘such,’ to insert the words “five pounds per centum or other.”—(*Lord Oranmore and Browne.*)

LORD DENMAN said he was informed that an Amendment of the character proposed by the noble Lord would remedy a defect in the clause. But the words which the noble Lord proposed were in themselves not quite clear. He suggested to Lord Oranmore that instead of the words, "any such annual sum," the words, "any annual sum charged against a tenant under this sub-section" should be inserted.

LORD ASHBOURNE said that would meet the point adequately.

LORD ORANMORE AND BROWNE accepted the words suggested by Lord Denman.

Amendment, by leave, withdrawn.

Amendment moved—

"In the last line of the sub-section, to leave out the words 'such annual sum,' and to insert the words 'any annual sum charged against a tenant under this sub-section.'"—(*Lord Oranmore and Browne.*)

On Question, Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5 :—

*THE EARL OF DONOUGHMORE moved to substitute for the first and governing sub-section of the Bill the clause relating to compensation for disturbance which had been inserted by the Government in the English Land Tenure Bill. To this clause he proposed to add the proviso that compensation should in no case exceed one year's rent of the holding. He said the clause was a remarkable one for this reason: there had been many Town Tenants Bills brought in, but never before had a compensation for disturbance clause been introduced into such a Bill. The clause as it stood would undoubtedly involve a system of rent-fixing for houses, although, on the admission of Mr. Bryce, such a system would be unjust and unworkable. What would be the operation of the clause as it stood? As he was advised from Ireland it would fall among the duties of the Court to decide whether the rent was

reasonable or not. That obviously resulted in the Court saying what a reasonable rent was, and there they had the germ of rent-fixing at once. It was admitted on all sides that that system was a disastrous one. They knew its effect from their experience of agricultural tenancies in Ireland, and it was only being got rid of at great loss to the State, though he might add that the State was not paying as much as it ought to pay for the blundering legislation of noble Lords opposite in 1881. He knew that the Government denied the proposition he was putting forward, and that the Chief Secretary had stated in the House of Commons that it was not intended that rent-fixing should be construed as coming under this clause. That was very cold comfort because it was well known that the intentions of the framers of Acts were not taken into account when the Acts came to be construed; and, though he acknowledged that the Government had stated quite frankly that they did not intend that rent should be construed as part and parcel of an onerous condition, he confessed he would have felt more easy on the subject had they put down an Amendment at this stage to make that clear. As noble Lords on the Opposition side of the House were advised, rent would be so construed. His Amendment, with two slight exceptions, was taken from the English Land Tenure Bill now before Parliament. The tenure of farms in England, was, he understood, practically the same as tenure of houses in Ireland. He was speaking, of course, of the system under which negotiations took place between the landlord and the tenant. The method of lease-making was practically the same. The Government showed that they believed this when they adopted the English Land Tenure Bill Clause for an Irish House Tenure Bill. But the Land Tenure Bill Clause as it was adopted by the Government had been thrown overboard. It was found not to hold water, and the English Land Tenure Bill had been brought to the same condition as regards compensation for disturbance as he now sought to bring this Bill, with two exceptions. Their Lordships would notice towards the end of his proposed Amendment the word "removal." In the

English clause the words "sale or" were inserted before "removal." He had omitted those words in his Amendment, because obviously it would be unreasonable that a landlord should be liable to compensate a tenant for the sale of his stock if he preferred to sell it, instead of moving it thirty or forty yards across the street. The landlord might be forced to take a large quantity of perishable goods, and this would obviously be a most unreasonable obligation. The only other difference between his proposed new clause and the clause in the Land Tenure Bill was the proviso at the end—

"provided that such compensation shall in no case exceed one year's rent of the holding."

It was only fair that there should be some limit to the claims which might be made. He had blushing adopted this child which by right belonged to the Government, and he hoped they would therefore see their way to accept it and to welcome their own child back into their arms.

Amendment moved—

"In page 4, line 7, to leave out from '(1),' to the end of line 15, and insert the words 'where the landlord, without good and sufficient cause, and for reasons inconsistent with good estate management, terminates or refuses to grant a renewal of the tenancy, or it is proved that an increase of rent is demanded from the tenant as the result of improvements which have been effected at the cost of such tenant, and for which he has not, either directly or indirectly, received an equivalent from the landlord, and such demand results in the tenant quitting the holding, the tenant upon quitting the holding shall, in addition to the compensation (if any) to which he may be entitled in respect of improvements, and notwithstanding any agreement to the contrary, be entitled to compensation for the loss or expense which the tenant, by reason of his quitting the holding, sustains or incurs upon or in connection with the removal of his goods, implements, produce, or stock: provided that such compensation shall in no case exceed one year's rent of the holding.'"

—(*The Earl of Donoughmore.*)

LORD DENMAN said that he was in the unenviable position of being between the devil and the deep sea, for while the noble Earl proposed to remodel the clause another noble Lord on the Opposition side of the House proposed to move its omission. He denied that the principle of rent-fixing was introduced, although the tenant who was capriciously evicted would have a claim to compensation. Dealing with the noble Earl's

proposed clause, he singled out certain phrases to show that a technical meaning was applied to certain words applicable to agricultural holdings, while the clause in the Bill dealt with business premises and the goodwill of the tenant. Words would have to be inserted in the proposed clause, therefore, to make it clear that compensation was to be paid for the loss of goodwill. The noble Lord was proceeding to read words which he suggested should be inserted, when

THE CHAIRMAN OF COMMITTEES interposed, and said that in order to avoid a complicated discussion it would be better if the Government either adopted the proposed clause and put down Amendments to improve it or opposed its insertion at the present stage.

VISCOUNT ST. ALDWYN said it would be hard on the Committee to ask it to accept the changes suggested by the Government without an opportunity of further consideration being allowed. It would be very difficult to insert the Government Amendments at that stage. He thought the best course would be to insert Lord Donoughmore's Amendment now and to further consider the points raised by the Government on Report.

THE EARL OF DUNRAVEN hoped the Government would not adopt that course. It appeared to him that the clause in the Bill was a better one for the purpose aimed at than the clause proposed to be substituted. The clause in the Bill was an attempt to protect shopkeepers in their business against totally unreasonable conditions sought to be imposed by the landlord, and so onerous as to amount practically to an eviction. He did not see how any adequate protection could be given to business premises unless compensation was granted for the loss the tenant sustained through the unreasonable conduct of the landlord, who might be, after all, actuated by a feeling of malice, and who might wish to turn the tenant out under terms which might make it impossible for the shopkeeper to remain. It would be easier to amend the clause as it stood than to amend the clause of the noble Earl.

The Earl of Donoughmore.

THE EARL OF CREWE: I am sorry that noble Lords opposite were not placed in possession of the Amendments which my noble friend behind me desired to move to the Amendment as it stands on the Paper, but we again recur to the fact that we have not had very much time to consider the Amendments. I think the difficulty has in some degree arisen owing to the fact that the noble Earl who has moved the Amendment has shown an absolute adherence to the words of the Land Tenure Bill, which I will not describe as servile, because that is a word which is not liked, but which seems to me to partake somewhat of the nature of slavery. As regards the point that was raised by the noble Earl who has just sat down, we were disposed to accept the form of words of the noble Earl really in order to make it absolutely clear that we were anxious to avoid any suspicion whatever that anything like rent-fixing was intended by this clause, and so far as the noble Earl's words made that clear we were prepared to accept them, but with the important qualifications mentioned by my noble friend. In the first place, as regards the matter of goodwill, goodwill is not mentioned in this clause of the Land Tenure Bill, and for the very good reason that where goodwill exists on a farm it is because the estate is a well-managed one. I am speaking, of course, of our English land system. The goodwill of a farm in England is created by the act of the landlord. As regards town tenancies, shops and places of business, there may be a substantial goodwill created by the act of the tenant, and the Government do not consider that one year's rent would be sufficient compensation in respect of that goodwill. Under the Act of 1870 seven years rent could be given as compensation. That, I quite agree, might be excessive here, but you have a precedent of a different kind in the Land Clauses Act, under which three years rent may be given. If noble Lords opposite will accept three years as the figure I think we may be able to come to terms on that point. With regard to the course to be pursued, I am in full agreement with the noble Viscount, Lord St. Aldwyn, that it would be better to take the words of the noble Earl as they stand, on the clear understanding that we only agree

to do so conditionally on the insertion of some such words as my noble friend has suggested. I hope, therefore, noble Lords opposite will unite with us in resisting the proposal by Lord Ridley to reject the clause altogether.

On Question, Amendment agreed to.

*THE EARL OF LEITRIM moved to leave out "partly" and to insert "mainly" in the second sub-section, which ran—

"This section shall apply only to houses, shops, and other buildings occupied wholly or partly for business purposes."

He said the Amendment was one of a drafting nature. The word "partly" might bring in any house in which the owner used one room or even a desk for business purposes.

Amendment moved—

"In page 4, line 23, to leave out the word 'partly,' and insert the word 'mainly.'"
—(*The Earl of Leitrim.*)

LORD DENMAN differed from the noble Earl in his statement that the Amendment was of a drafting nature. He thought it was an Amendment of some substance. If the word "mainly" was introduced instead of "partly" there were many cases where distinct hardship would ensue. There was the case where a family occupied a house and supported themselves out of the profits of a small shop on the ground floor. In that case if the word "mainly" was introduced they would be taking away from those people any possibility of compensation. By the Amendment the provision whereby a modest amount of compensation might be obtained for disturbance would be rendered nugatory. He hoped therefore that the Amendment would not be pressed.

LORD ASHBOURNE agreed with the noble Lord in charge of the Bill that the Amendment was not merely a drafting one. It was put down by Lord Leitrim with the intention of covering what was thought to be a possible inconvenience in interpreting the Bill. He thought that in the application of the clause it was unfortunate that the word "trade" did not appear. The noble Earl was not

wedded, he was sure, to the word "mainly." It had been suggested that "substantially" would be the best word, but it was certain that the use of the word "partly" would lead to difficulty and embarrassment. He did not look upon the matter as of first-class importance, but he thought it required consideration, and that the word suggested by his noble friend, or some analogous word, would improve the clause.

THE EARL OF CREWE: I need hardly say that we are anxious to meet noble Lords opposite where we can, but we think the word "mainly" would be open to the rather severe criticism which my noble friend passed on it and that it might cause certain cases to be omitted where there would be a very real claim for compensation. On the other hand, I quite admit that it is necessary that the business occupation should be one of a substantial character, and I think it is possible that some alternative phrase may be found between now and Report.

Amendment, by leave, withdrawn.

Moved, "That the clause, as amended, stand part of the Bill."

VISCOUNT RIDLEY opposed the clause. For his part, he objected to the clause in any shape, for he was unable to understand on what principle it was based. Hitherto, no doubt, they had had Acts of a special character dealing with Irish property, but they had all been justified on the ground of some special circumstances affecting the particular class of property to which they applied. But in this case there was no justification of that kind. He could see no reason whatever why the ordinary long building lease should come under the Bill at all. He did not think that that made the Bill, or this particular clause, any more desirable, but he thought that when they were asked to make this particular exception to the Bill, there should be some real grounds advanced for making the change. He would not trouble their Lordships with further reasons, which were very familiar to them from previous debates on the subject. What he did utter a serious protest against was this principle of compensation for disturbance in any shape or form.

Lord Ashbourne.

***LORD BARRYMORE**, in opposing the clause, said it seemed to him that it was absolutely bad from beginning to end. It was introducing a new principle with regard to legislation upon town holdings, and not only a new, but an absolutely bad and unsound principle. This was not a mere Irish Bill. The Town Holdings Committee which sat in the year 1889 and for three years onwards found that there was substantially no difference between the tenure of houses in Ireland and in English towns. That was to say, it was perfectly clear that the Bill now going through their Lordships' House would serve, when it passed, and as it passed, as a model, or, at any rate, if not a model, as the irreducible minimum of a Bill which should be passed for England and Scotland hereafter. Precedents had been mentioned by Lord Denman with regard to the Act of 1870, and reference had been made to the inclusion in that Act of a clause giving compensation for disturbance. The noble Marquess opposite asked his noble friend below him whether he did or did not vote for that Bill. He admitted that he himself was in the House of Commons at that time, and being young, guileless, and simple, he believed what he heard from those who led the Government of the day, that there was no danger whatever in passing that clause giving compensation for disturbance, because it was a principle which could not possibly be carried further. Years had passed. They knew what had happened; they knew that from that had arisen all the difficulties and troubles of Irish land legislation. They knew how that seed that was sown then became afterwards the three F's, until at last they had come to an intolerable position, when all these millions of money had been advanced to wind up the concern. But he submitted that there was really no analogy between houses in towns and land. Their Lordships would probably think very lightly of his opinion, but he would like to quote the opinion of a very distinguished member of the Cabinet, Mr. John Morley, when a Bill similar to the present measure was brought into the House of Commons in the year 1886. Mr. Morley said that—

"Houses were not like land, because no limit was fixed by nature for houses. The extent of house accommodation was, to use the hated

words of political economy, simply a matter of supply and demand. . . .

"Under no circumstances could it be said, in relation to house property, that the occupier or tenant had created the subject-matter in the sense in which all admitted that the Irish tenant, in a great portion of Ireland, at any rate, had created the subject-matter of his holding. . . .

"The manifest reason why contracts not to claim for improvements were declared void under the Act of 1870 was because the tenant was supposed, and justly supposed, to have no real freedom. Although that was true of agricultural holdings, it was only true, if true at all, in a very modified degree in the case of a house in a town; because if a man was turned out of a house in a town he would still have a fair chance of getting some other house. . . . He was told that in Dublin, for example, there were only too many houses. . . ."

He thought Mr. Morley was quite good enough for him to quote. The analogy between the compensation for disturbance clause and the necessity for it in the Act of 1870 did not justify, or create a precedent for, introducing it into a Bill such as that now before the House. It would undoubtedly establish dual ownership, and they might have the mischief in towns that they had in the country. He did not know what support his noble friend and himself might have from that side of the House in resisting that clause, but he hoped that at any rate from His Majesty's Government they might have some. He remembered some years ago, in the House of Commons, listening with rapt attention to a noble friend of his who was now Under-Secretary for War, when he successfully fought a similar Bill to this, and he had listened with great attention and pleasure to the speeches made by the Attorney-General for Ireland and the Chief Secretary for Ireland the other day when they both announced—and announced not only for themselves but for the Government of which they were members—that they would have nothing to do with compensation for disturbance. He thought the principle was so dangerous a one that he sincerely regretted that there should be any question of introducing it into this Bill.

VISCOUNT ST. ALDWYN said that the change proposed to be made by the omission of the clause emboldened him to address a few observations to their Lordships upon the present position of the clause. The noble Lord who had just sat down ap-

peared to find in this clause the germ, and something more than the germ, of fixity of tenure, of compensation for disturbance, and of fair rents. He must confess he found nothing of the kind in the clause as it now stood. His noble friend Lord Ridley considered that in the words of the Bill as it came to their Lordships' House something of that kind, at any rate, might be found. But he thought it was impossible to find it in the clause as it now stood. There was not even compensation for disturbance, in the ordinary sense of the term, in that clause; because compensation was to be limited and defined as that which the tenant lost simply by removal. The noble Lord opposite desired to insert "goodwill," no doubt, but, as the clause now stood, it was simply confined to loss by removal, and he could not see how any of the terrible consequences which had been alluded to by Lord Barrymore could result from the clause. But there was something more. This same clause had yet to be discussed in the English Land Tenure Bill. He did not know what Amendments would be made in it, or in what shape it would emerge; but his noble friend Lord Donoughmore had already said that in whatever shape the Bill emerged, he proposed to amend the clause to meet any changes made. Their Lordships had passed the Second Reading of two Bills—the Land Tenure Bill and this Bill. It certainly would not be denied that this clause was one of the most important in this Bill, and it certainly was by far the most important in the Land Tenure Bill. Their Lordships had accepted the Second Reading of both Bills. It appeared to him that if this clause were now to be rejected, either in the present Bill or in the Land Tenure Bill, what was done on the Second Reading would practically be negated. He hoped their Lordships would not take any such course, and if his noble friend who proposed the omission of the clause asked why this proposal should be made with reference to business and trade premises in towns, he would venture to say, in spite of the quotation which Lord Barrymore had made from Mr. John Morley, that to his mind it was more necessary in towns than in the country. His noble friend had quoted some words from Mr. John Morley to the

purport that if a man was evicted from a farm he could not get a farm anywhere else, but that if a man was evicted from a shop he could get another shop. So far as his experience went, if a man should be evicted from a farm he had no difficulty, in the part of England to which he belonged, in getting another farm as soon as he wished. But how about a tradesman in a market town? If a tradesman in a market town was turned out of a shop in the centre of that town, could he easily get a similar shop, equally well situated for the purpose of carrying on his business? He thought the hardship in such a case was greater than in the case of a farm tenant, and therefore he was quite unable to support the excision of a clause which he certainly should not be prepared to vote against as applicable to farm tenants in England. Under these circumstances he hoped their Lordships would not go to a division on this question.

*THE EARL OF MAYO said there was a little secret history in regard to this clause which nobody had mentioned at all. The real truth of the matter was that the clause in the original Bill was denounced, stock, lock, and barrel, by the Chief Secretary and by the Attorney-General in the House of Commons. Then what happened? There was that little incident down at Loughrea, and Ward was evicted. There was a siege, the police in great numbers were called to Loughrea, and then Sir Antony Macdonnell, the Under-Secretary for Ireland, was sent down bearing the olive branch of peace, gilded with hints of legislation. If he had said "promises," he knew he should be called upon at once to retract that word, so he had used the word "hints." No doubt Sir Antony Macdonnell had hinted at legislation. What was the result? The result was that there was peace. And another result was that suddenly the Government became immensely enamoured of compensation for disturbance. That was the real history of this clause, and they could not shirk that little secret history which everybody had avoided in the most palpable manner. They were now asked to adopt a clause which was in the English Land Tenure Bill. Perhaps that was the best way of getting out of the difficulty, but it did not commend itself to him as an Irishman, because English methods, speaking

broadly, frequently did not go down very well in Ireland. However, when the Report stage came on they would see what the Government were prepared to do with regard to this clause; and therefore for these reasons he would not vote for the excision of the clause, because he felt there was something in the point with regard to goodwill, if that goodwill was entirely confined to trade and business premises.

On Question, Clause 5, as amended, agreed to.

Clauses 6, 7, and 8 agreed to.

Clause 9:—

*LORD BARRYMORE, in moving the omission of Clause 9, said that it was a clause which prohibited contracting out. The Bill as it stood surely went sufficiently far in the direction of an attack on freedom of contract, without its being necessary to pass this clause, and absolutely to prohibit it. It had been the old law; it had always worked well, and it was based on sound principles. This was an entirely new principle as regards tenure in towns, and it was simply an instance of grandmotherly legislation which the late Sir William Harcourt used so much to deplore and to attack. If tenants were not permitted to contract themselves out, landlords would inevitably have to demand higher rents so as to protect themselves against all sorts of claims and all sorts of litigation which were sure to ensue; or else they would have to grant lettings for only short terms, so that they might in that way get outside the provisions of the Bill. The probability was that if the clause was passed as it stood it would do more harm than good to the tenants. He would remind their Lordships, as they had been reminded before, that the immediate landlords were often small, poor men and women—people who had by industry saved a little bit of money which they had put into house property, whilst their tenants were very often far better to do, and far better able, from every point of view, to take care of themselves than the landlords were. It should never be forgotten that, although this Bill would attack, and to some extent injure, large landlords, the great mass of immediate landlords were small, poorish people

who would suffer under this Bill, and against whom claims for compensation would be made. Tenants in Irish towns were well able to take care of themselves; there was not the slightest fear of their not being able to make bargains with their landlords, and it was far better that the old law of freedom of contract between them should remain. The Bill did not apply simply to small tenants in small towns; it applied to the big tenants in big towns. It applied to banks and insurance offices and people of that kind, in towns like Dublin and Belfast; it applied to every house throughout the country, whether large or small—in the country and in the towns. He instanced the houses in Merrion Square or Fitzwilliam Square in Dublin—his noble and learned friends alongside him who inhabited those houses were surely capable of taking care of themselves in their dealings with a landlord, without the protection of such a Bill as this. And what would happen in other cases? A gentleman would let his house—it might be to the Lord-Lieutenant, it might be to the General Commanding the Forces, as was the case at the present moment in an instance which he had in his mind. Were those gentlemen to be supposed to be incapable of looking after themselves, and was it necessary to put in a clause such as this to forbid their contracting out of the Act? It seemed to him that it was a very mischievous provision, and he hoped the clause would be omitted.

***LORD DENMAN** said he was surprised to hear the noble Lord say that, in his opinion, this Bill damaged, and did harm to, the poor people in Ireland. That was very strange, because it was admitted that there was a unanimity of feeling in Ireland in favour of the Bill. That was admitted even by Mr. Walter Long, speaking at Kingstown, on the occasion to which he had already alluded. There was ample precedent, both in English and in Irish Acts, for such a clause as this, in order to prevent contracting out. In the Irish Acts of both 1870 and 1881, it occurred in regard to tenancies below a certain value; it occurred in the English Agricultural Holdings Act of 1883; and it also occurred in the Workmen's Compensation Act of 1897, the Tithe Act of 1901, and the Licensing Act of 1904. The

last three of those measures, he would venture to remind their Lordships, were passed by the Government of noble Lords opposite. He trusted, therefore, that they would not support the noble Lord in his proposal for the rejection of the clause. He would also venture to point out that, in another part of the Bill, although it did not amount to contracting out, considerable protection was given to the landlord. By sub-section (3) of Clause 2 it was provided that the tenant might agree with the landlord to make no improvement at all, and he submitted that that was a measure of contracting out, although not actually contracting out of the Bill. The Government attached very great importance to this clause, and if noble Lords pressed the Amendment they would be obliged to divide the Committee against it.

***THE MARQUESS OF LANSDOWNE**: I am inclined to admit that there is something to be said for some clause of this kind, because it seems to me that if you go the length of imposing upon the parties provisions of the kind contained in this Bill, you really are doing so on the assumption throughout that you cannot leave them to themselves to make these arrangements, and that therefore it is impossible to leave the door entirely open to everybody to elude the provisions of the Bill. The defect of this clause seems to me to be that it is an indiscriminate clause, and applies to all kinds of town tenants, big and little. I should have been inclined to suggest to my noble friend opposite not so much that he should withdraw this clause, as that he should consider whether its operation might not be limited by restricting that operation to the case of poor tenants and tenants who had not obtained protection by a lease for a certain number of years sufficient to secure their interest. It is really ridiculous to say to the occupiers of large and valuable houses, in the best part of Dublin, "You shall not make a contract with the ground landlord of your house;" but if the operation of the clause could be restricted in some such manner as I have suggested, I think it would be more deserving of the favourable consideration of your Lordships.

THE EARL OF CREWE was glad that the noble Marquess who had just sat

down recognised that the main reason for inserting a clause of this kind was the same which had operated in causing preceding Governments to insert similar clauses in other Bills. The fact was that there were certain cases where contracts were nominally free, but, owing to the existence of various circumstances, they could not be regarded as really perfectly free. It was those contracts which were liable to be entered into by direct or indirect compulsion, to quote the words of the Bill, which the words were intended to meet. Was it really necessary to do what the noble Marquess opposite would wish them to do—to put in words explicitly excepting other cases? The noble Lord would see that if the Court was of opinion that the contract was of a reasonable character and was entered into without any kind of compulsion, the contract would undoubtedly be allowed to stand. Their Lordships would appreciate that supposing a great business firm like Messrs. Guinness & Son entered into a contract with a landlord to acquire some land, and at the same time desired to contract themselves out of the provisions of the Bill, and the landlord agreed, it was perfectly clear the Court would not hold that such a firm was likely to suffer either direct or indirect compulsion and the clause would be allowed to stand; and it appeared to him to be exceedingly difficult to find any limiting words to exclude cases which he quite admitted might reasonably be excluded without excluding other cases under which some sort of duress might be laid upon the weaker parties. He thought that as the clause stood, with the option of the Court to decide upon the merits of the claim, the cases which the noble Marquess had in mind were quite safeguarded.

LORD ASHBOURNE said there was no doubt that the closing words of the section just referred to were very important and left to the Court the power of saying that compensation should be given if it came to the conclusion that a tenant had entered into a contract by direct or indirect compulsion. The noble Earl had given the very extreme case of the great firm of Guinness, but he did not think any Court would hold that a man of ordinary wealth and

The Earl of Crewe.

substance was coerced, or came in any way under compulsion. The closing words of the clause were of importance, and no doubt should speak for themselves, but there was also a great deal in the suggestion made by the noble Lord who opposed the clause. It might be that his noble friend would be satisfied to leave the matter until the Report stage and see whether the Government were likely to meet his views.

LORD ATKINSON said that if the noble Lord would refer to the latter part of Clause 9 he would see that in order that a contract might be held to be valid it must fulfil two conditions—first, it must be reasonable, and secondly, it must not have been brought about by direct or indirect compulsion. To take the analogy to which the noble Lord had referred, if Messrs. Guinness entered into a contract with regard to taking a house, that contract might be set aside if it were held to be unreasonable, although, of course, the suggestion of indirect compulsion in such a case would be absurd.

THE EARL OF CREWE pointed out that the noble Lord had overlooked the words, “with regard to the circumstances of the case.” Those words made a very material difference.

*LORD BARRYMORE said that under the circumstances he would withdraw his opposition for the present, but would reserve the right of bringing the matter up again upon the Report stage of the Bill.

On Question, Clause 9, as amended, agreed to.

Clause 10 :—

Drafting Amendment agreed to.

LORD DUNBOYNE, in moving an Amendment giving the right to appeal from any determination of the County Court, and making the enactments in the County Court (Ireland) Acts, 1851 to 1889, relating to appeals in the case of ordinary civil Bill, to apply, said that as the Bill stood, the appeal was direct to the Court of Appeal. He proposed as an alternative to that, that the appellant should have the right of appeal to the Judge of Assize. The great

advantage of that would be that the Judge of Assize would rehear the case, and that he would have all the witnesses before him; he would be able to judge by their manner and otherwise of the truthfulness of their evidence, and to come to a proper and right conclusion upon the facts. It would also be a very much cheaper tribunal than the Court of Appeal, because the Court would come to the litigants instead of the litigants having to go to the Courts in Dublin. In the case of the appeal given by the Bill to the Court of Appeal, the Court of Appeal would have to take the evidence from the note—not always a very full or accurate one—of the Court Judge.

LORD DENMAN said that if the noble Lord would forgive him interrupting for one moment, it might save time. His Majesty's Government quite accepted the sense of both the noble Lord's Amendments, although they were not able to bind themselves to the exact words.

LORD DUNBOYNE said that in that event he would simply move both the Amendments which stood in his name.

Amendments moved—

"In page 5, line 26, after the word 'Act' to insert the following new subsection: '(3) An appeal may be taken from any determination of the County Court under this Act, and the enactments in the County Court (Ireland) Acts, 1851 to 1889, relating to appeals in the case of ordinary civil Bill, shall apply accordingly.'"

"In line 27, after the word 'appeal' to insert the words 'at the election of the party appealing.'"—(*Lord Dunboyne.*)

THE CHAIRMAN OF COMMITTEES suggested that the words "at the election of the party appealing" might perhaps be more conveniently inserted after the word "shall" than after the word "appeal."

LORD DUNBOYNE said that he had had a very short time in which to prepare the Amendments, and that they were not perhaps so accurately phrased as might be desired.

On Question, Amendments agreed to.

Clause 10, as amended, agreed to.

Clause 11 agreed to.

Clause 12 :—

THE EARL OF MAYO, in moving the exemption of "clubs for social and athletic purposes" from the holdings to which the Bill was to apply, said he desired in the first place to mention that the clause was inserted after the Opposition in the Lower House had ceased to debate the matter. Further it was, he believed, put in by Mr. Glendinning in the early hours of the morning, and therefore it was not debated in any way whatever. He wished to draw attention to the fact that if a football club had leased a piece of ground near a town and had put up a stand upon that ground, it would no doubt add to the letting value of the ground, but when the landlord wished to resume the possession of the land for building sites at the expiration of the lease, the football stand would be utterly worthless. He therefore thought it would be as well if the words "clubs for social and athletic purposes" were left out. He hoped His Majesty's Government would see the force of what he had put before them, and agree to the omission he proposed, because a club of that sort was only a very superficial sort of structure, and there was no reason why there should be compensation for an improvement of that sort, which really, after all, was not in the true sense of the term an improvement at all.

Amendment moved—

"In page 6, lines 4 and 5, to leave out the words 'clubs for social and athletic purposes.'"—(*The Earl of Mayo.*)

LORD DENMAN said that this was a comparatively small point, but, speaking on behalf of the Government, he would rather not have the words omitted. There might be cases—and he understood that there had been a case recently—in which the proprietors of a club had spent a good deal of money in improving the premises, resulting in great benefit to the neighbourhood, and attracting a great number of visitors to it. It seemed a little hard that the landlord should confiscate all those improvements to the direct loss of the proprietors of the club, or possibly to the detriment of the neighbourhood. As he had intimated, it was not a very important point, but the

Government would desire, if the Committee would allow them to do so, to retain the words in the Bill.

On Question, Amendment agreed to.

*THE EARL OF PEMBROKE, in moving to insert words restricting the operation of the measure to buildings situated in towns, said that the Amendment standing in his name was a not unimportant one. They had been studying the Bill for some time, but he did not know whether their Lordships had noticed one point which struck him, namely, that the title of the Bill was "Town Tenants (Ireland) Bill," but that in no part of the Bill, until they came to the last clause, was the word "town" mentioned at all. That was rather curious; the Bill as it stood, as far as he could make out, might apply to any house, cottage, farmhouse, or building in any part of the country, and surely they had had of recent years enough legislation in connection with houses situate in agricultural districts to entitle them to a little freedom from further legislative attempts on the part of the present or any other Government. He quite admitted that it was somewhat difficult to define what a town was. Possibly that was the reason why His Majesty's Government had not put in the words which he now proposed to insert. Several suggestions had been made as to what was the proper definition of a town, one suggestion being to take a town of so many inhabitants. That would be obviously absurd in the present Bill, which was really meant to benefit all houses situate in all towns. Another alternative was that it should be confined to buildings situate in boroughs or towns defined by the Local Government (Ireland) Act, 1888. But that, again, would exclude the six county boroughs, and he thought that they might dismiss that suggestion. The third suggested alternative was that it should be confined to buildings situated within an urban district as defined by the Local Government (Ireland) Act, 1898, Section 22, sub-section (1). That Amendment had been put down for the Report stage by the Right Hon. James Campbell in another place, but had not been reached when the Bill was practically closed. That suggestion would also exclude the six county boroughs, though it would include

seventy or eighty towns and townships. He thought, therefore, that on the whole it would be wiser to have a limit, leaving it to the discretion and common sense of the Court to decide as to what constituted a house situate in a town. Of course they might work backwards from the Land Act of 1870. Their Lordships would remember that under the Act of 1870 decisions were given as to town parks in connection with proceedings under the Irish Agricultural Land Act. In that case the question whether a holding was or was not a town park depended upon its proximity to a town, and the Court had to decide in that case what a town was. If they were able to decide that question in one case, why not in another? He thought it would be most important, especially for those who owned property outside a town, that they should not be subjected to the same penalties to which, he was afraid, those who owned houses in a town were to be subjected. He asked their Lordships to reflect very carefully how dangerous this Bill might be, not only to Ireland, but in the future to England also, if some such words as he had suggested were not inserted. He begged to move.

Amendment moved—

"In page 6, line 5, after the word 'buildings,' to insert the words 'situate in towns and.'"—(*The Earl of Pembroke.*)

*LORD DENMAN agreed that this was a very important Amendment indeed, and it was one which the Government felt obliged strenuously to resist. The noble Earl had himself dealt with one objection which would be obvious to anyone—namely, the definition of a town. That must lead to a great deal of litigation. It must obviously be very hard to define what a town was, but the whole object of this Bill, or one of its chief objects, was that it should apply to the small towns, and, should he say, to the larger villages in Ireland. Under the proposed Amendment the whole of these would go out of the Bill, and it was to a large extent with the object of including those that the Bill was introduced. The noble Earl had said, rightly, to his mind, that the title of the Bill was not an appropriate one. There was a great deal of truth in that statement, but if the objection of the noble Earl only went to the title

Lord Denman.

he could assure him he would see that it was altered, if, on his part, the noble Earl would agree to withdraw this particular Amendment. The measure had been more accurately described, he thought, in this House by his noble friend Lord Donoughmore as a House Tenancies Bill, or some such title as that, but, at any rate, the Government would not quarrel with the title of the Bill if the mover of the Amendment would forego his desire to make this very serious alteration in its provisions. After all, it was not only in the case of very small cottages isolated in the country that they hoped the provisions of the Bill would apply. In the case, for example, of a blacksmith's shop at cross-roads, it would be very hard that that shop should not be able to obtain compensation for improvements under the Bill. The same would apply to the case of a public-house at cross-roads. A public-house was a very useful thing, and it was very hard that that, too, should be excluded from reaping the advantages of this Bill. He could say much more on the subject, but he trusted that he had said sufficient to show that the Government attributed considerable importance to the matter, and if the noble Earl pressed it, they would feel obliged to divide the Committee upon it, and no doubt, also, it would be a subject of discussion when the Bill went down to another place.

THE EARL OF PEMBROKE was sorry that he could not accept the rather one-sided bargain which had been offered him. In the few words which the noble Lord had addressed to the Committee, he had indicated all sorts of new fields over which this Bill would extend. He still considered that, as, in the proceedings under the Land Act of 1870, the Court had then been able to give decisions upon the question of what constituted a town park—decisions varying according to the circumstances of the case—so the Court would be able to make it clear in the present case as to who was a town tenant, and who was not. In the interest of all proprietors, both in Ireland and in England, he must press the Amendment.

LORD ASHBOURNE said he would like to know exactly what the noble Lord had in his mind on the subject of the

application of this Bill. Whoever was the original draftsman of the Bill must have had prominently in his mind the idea of a town, because the title was "Town Tenants (Ireland) Bill," and, as he understood, it was the object of his noble friend, Lord Pembroke, to give reality to that title and to conform the Bill to what was apparently the governing idea when the Bill was drafted. Various matters had been suggested by his noble friend which would limit the definition, and there were certain Acts of Parliament which would exclude a great many towns. The noble Lord (Lord Denman) had to a certain extent met the difficulty by putting to his noble friend a very wily suggestion, which, however, he had made to him in vain, as to county towns and villages. But what did he suggest putting in to qualify the wide diversity of houses and buildings which might be in a bog, or anywhere in the world, and not in any village—it might be on the favourite cross-roads of which the noble Lord had spoken. He did not think it was convenient to leave a Town Improvements Bill unfettered or unlimited by any reference to any aggregation of houses—hamlet, village, or county town—of course that might mean a large town—and there ought to be something to indicate that the title of town was still regarded as a matter that would to a certain extent govern the application of the Bill.

THE EARL OF CREWE quite admitted that the title of the Bill, as it had come to the House, laid His Majesty's Government open to a certain amount of criticism in that, as it had appeared all through, it was not intended only to apply to what would be roughly understood as a town. The noble and learned Lord who had just sat down had spoken of it as a Town Improvement Bill. He thought it had been evident all through that it was not intended to be of an urban character; it was intended to apply not merely to any aggregation of houses in particular which might be defined, but he should have said, speaking broadly, that it would apply to any house in Ireland which was not connected in any way with an agricultural holding.

LORD ASHBOURNE did not think that it was limited to that extent at all.

THE EARL OF CREWE thought it clear that it was not intended to apply to agricultural holdings—at least, as he was advised.

*THE MARQUESS OF LANSDOWNE: I think the point is one which requires to be guarded. The Bill as now drawn, as is quite clear from what has been said by the noble Lord who is in charge of it, is very wide indeed in its scope. What I hope the noble Lord will consent to do is to consider the matter between now and the next stage of the Bill with a view to putting in words to meet our point. He has told us very fairly that in his view the Bill should only apply to urban premises.

THE EARL OF CREWE said he did not confine it to urban premises—he had explicitly said so—but he certainly did not understand that what the noble and learned Lord had seemed to hint at was possible—namely, that it should apply to agricultural holdings.

*THE MARQUESS OF LANSDOWNE: I dare say there is not much difference between what the noble Earl intends and what we desire, but we must have something more than intention to go upon. I therefore hope that the noble Earl will accept my learned friend's words for the present, and consider between now and the Report stage whether they cannot be improved upon.

THE EARL OF CREWE said that under the circumstances the noble Marquess had mentioned the Government would not divide the Committee against the words proposed, but they must not be taken in any way as agreeing to a restriction to places of an urban character—to towns in the conventional sense—of the provisions of the Bill. But they were quite content to let the matter stand over until the Report stage.

On Question, Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13 :—

LORD DENMAN, in moving to leave out lines 21, 22, and 23, on page 6, said that this was merely a drafting Amendment.

Amendment moved—

“In page 6, to leave out lines 21, 22, and 23.”—(*Lord Denman.*)

LORD ASHBOURNE said he quite accepted the statement of the noble Lord that he was proceeding under the advice of his capable draughtsman, but as he had understood from the noble Lord earlier that it was intended that the Bill should not include building leases, he assumed that they would be covered by a lease made for a valuable consideration. That was what he would expect, and what would be reasonable. But what was the idea in the draughtsman's mind for the exclusion of all these? It was like the “town” in the title of the Bill.

On Question, Amendment negatived.

Clause 13 agreed to.

Remaining clauses agreed to.

THE EARL OF MAYO said that with regard to the date when the Bill was to come into operation, 1st January, 1907, seemed rather soon.

LORD ASHBOURNE thought the date should be July, as in the Education Act.

THE EARL OF CREWE said that the noble Lord had not put down any Amendment to that effect. The date in the Bill was January, 1907.

THE EARL OF MAYO: We shall move an Amendment on the Report stage.

Standing Committee negatived. The Report of Amendments to be received on Friday next, and Bill to be printed as amended. (No. 234.)

MERCHANT SHIPPING ACTS AMENDMENT (No. 2.) BILL.

House in Committee (according to order.)

Clause 1 :—

*LORD INVERCLYDE, in moving an Amendment extending the application of British load-line provisions to foreign ships bound to, as well as actually within, any port in the United Kingdom, said

that, as this was the first time he had addressed their Lordships' House, he would ask their Lordships' indulgence in listening to the few remarks which he desired to make in asking them to adopt his Amendment. The noble Earl (Earl Granard), when he spoke upon this Bill on Second Reading, mentioned amongst other things that it was based upon the recommendations of three Committees which had sat in regard to shipping matters. Possibly, if the noble Earl could excuse his saying so, it might have been more correct had he also said that one of those Committees recommended what his (Lord Inverclyde's) Amendment was intended to carry out. If his Amendment were adopted, it would mean, above all things, that all vessels coming into this country, whether British or foreign, would sail under one load-line. When the Amendment he was now putting before them was before the Grand Committee in another place, it was carried by a majority, but so far His Majesty's Government had not seen their way to include it in the Bill. The Select Committee in 1905 reported that they did not think it unreasonable to require foreign ships to observe the same loading limit as British vessels in entering, as well as in leaving, our ports, and to prescribe that they should be marked with a load-line. The witness who gave evidence on behalf of the Board of Trade before that Committee stated—

"As regards inward bound foreign vessels, there is at present no power to prevent or punish overloading, and we know that it frequently occurs."

As drawn at present, the clause in the Bill only brought regulations applying to this country into operation when foreign vessels were in ports in the United Kingdom. Therefore foreign vessels, when they left a foreign port, might have their bunkers full, and possibly be overloaded, but they arrived in this country in proper loading trim, because they had burned the coal in their bunkers. British vessels were not allowed to do this, and therefore he submitted that it was not fair competition. He was not seeking that British vessels should be allowed to carry any more cargo; all he desired to bring about was that British ships should compete on fair terms with foreign vessels, and that the same regulations should apply to foreigners as applied to

British vessels. He thought it ought to be borne in mind also that this Bill which had been accepted by the shipping trade put many burdens upon that trade, and that, therefore, if any restrictions could be got rid of, it would be most acceptable. He did not fear what a noble Lord said on Second Reading that if we interfered too much with foreign vessels, we should bring about retaliation. In his opinion, retaliation was more or less of a bogey. Foreign countries were at this time competing with us all they possibly could, and he thought that the Government ought to assist British shipping to maintain the supremacy which it had hitherto enjoyed, instead of allowing foreigners advantages over ourselves. Of course, if there was an international load-line he would not have another word to say, but unfortunately such did not exist. The noble Lord who represented the Foreign Office in this House, when speaking on the Second Reading of the Bill, stated that the question of an international load-line was not to be lost sight of. The shipping trade, however, desired that the question of an international load-line should be settled, and should be lost sight of. He desired to say that he did not wish to oppose the Bill, and, if he might say so, he would do all he could to help to carry it through the House; but he begged to move the Amendment which stood in his name.

Amendment moved—

"In page 1, line 11, after the word 'within' to insert the words 'and on all voyages the cargo to.'—(Lord Inverclyde.)"

THE EARL OF GRANARD said that the Amendment of his noble friend raised a very serious question. What it proposed to do was to apply the regulation as to load-line to foreign vessels when outside the jurisdiction of this country. It had always been laid down by international law that a country's jurisdiction over a foreign vessel ended immediately that vessel got outside that country's territorial limit, such territorial limit being in this country the three-mile limit. But what the noble Lord appeared to want to do was to penalise a vessel outside this country's jurisdiction. He did not think any of their Lordships would consent to such a proposal. If so, we should suffer very much from retaliation—he had

no doubt whatever upon that point. The noble Lord also made a remark with regard to putting British ships absolutely upon an equality with the foreigner. That was a very difficult thing to do. They could not make any regulation with a foreigner with regard to the wages he paid or the food he gave, and it seemed to him quite impossible to do anything in that line. The only thing they could say was that when a ship came into one of our ports we would treat her on the same lines as we would treat a British ship. In the case the noble Lord mentioned, a vessel left a foreign port in an unsafe condition, but, according to the regulations of this country, she arrived in our port in a safe condition. Consequently, he was unable to see how we could very well punish her. The noble Lord had also raised a question with regard to an international load-line. He was sure nobody in this House wished more than himself that we could do something in that way. He was given to understand that one or two foreign countries were showing some signs in that direction—notably Germany—and if it could be arrived at, it would do a great deal to solve this question. He was very sorry he could not accept the noble Lord's Amendment.

THE MARQUESS OF SALISBURY said he did not wish to repeat the observations he had made upon the Second Reading, but on that occasion he was fortunate enough to draw from the Under-Secretary of State for Foreign Affairs a very full statement of the case, from the Foreign Office point of view, and his noble friend opposite had stated, in terms of an unmistakable character, that in the view of the Foreign Office such an Amendment as his noble friend behind him had moved would be prejudicial to international law. That was a very serious statement, and he thought their Lordships would probably be anxious to accept any such statement of that kind, coming, as it did, from the Foreign Office, as accurate. If that were so, he did not see that there was anything more to be said on the Amendment. He quite understood why his noble friend behind him had moved it. He had followed, as well as he was able, the debates in another place, and he quite understood the feeling of injustice on the part of the British

shipowners in the matter. Whether it would be possible in any circumstances to remedy that injustice was a topic upon which it was not necessary to enter. The moment it was stated that from the Foreign Office point of view it would be to the prejudice of international law—the moment they were advised by their experts that such was the case—it became impossible to argue the matter, and he hoped his noble friend would not press the Amendment.

*LORD INVERCLYDE: I beg to withdraw the Amendment.

Amendment, by leave, withdrawn.

LORD MUSKERRY, in moving the insertion of a new sub-section at the end of Clause 1, providing for the application of Section 459 of the principal Act to vessels insufficiently or improperly ballasted, said that before putting this Amendment he wished to say that this was a most important Bill dealing with the most vital industry of the nation, the one to which the nation owed its very existence. But, on looking round at the almost empty benches of their Lordships' House, he could not but feel that the whole discussion was rather a farce. Was it worth while discussing the Bill with so few noble Lords present? They had discussed other matters far less important, and yet they let this matter slide, although, as he had said, it concerned the most important industry in the country. To come to his Amendment, this was a subject which he had brought before their Lordships for many years, namely, the improper ballasting of ships. There had been a dispute as to what was the meaning of "improper loading and ballasting." The Board of Trade said that they had power to detain a ship if she was improperly loaded or ballasted, but they never seemed to have exercised that power. There also appeared to be some doubts in the minds of the Marine Department of the Board of Trade as to whether they had the power. On one occasion he was met with the statement that they had the power; and on another occasion he was met with the statement that they had not the power. The Amendment he was about to move was simply to make the matter clear and beyond all doubt.

Amendment moved—

"In page 1, line 22, after the word 'Act,' to insert the following new sub-section, 'Section four hundred and fifty-nine of the principal Act, which relates to the detention of British ships, shall apply in the case of a ship which is unsafe by reason of insufficient ballasting or improper ballasting, and, in the case of any British or foreign ship which is sailing in ballast either to or from any port in the United Kingdom or Colonies, and Regulations shall be framed by the Board of Trade which insure that all necessary and reasonable precautions shall be taken to prevent the ballast from shifting.'"—(*Lord Muskerry.*)

THE EARL OF GRANARD said that he had listened to the arguments of the noble Lord with interest, but he was sorry that His Majesty's Government were unable to accept the Amendment. With regard to ballasting, the Government had asked the ex-Law Officers of the Crown, and they said that the Board of Trade had ample power to detain a ship which was improperly ballasted. In former days that could only be done with regard to British vessels; but by this Bill the power would be extended to foreign ships. That, he thought, disposed of that particular point. Then the noble Lord had also raised a question with regard to the Colonies. He considered it would be very unwise indeed to legislate in any way for the Colonies. The Colonies made their own laws with regard to merchant shipping; and in the opinion of His Majesty's Government it would be very unwise for Parliament to take any steps in any way to interfere with the existing practice in that matter, in the Colonies. Under the circumstances, he could not see his way to accept the Amendment.

LORD MUSKERRY pointed out that the object of those whom he represented, namely the seamen and officers of the merchant service, was not to ensure that a vessel should arrive in this kingdom in sea-worthy condition, but that it should start from the port of origin in a sea-worthy condition. He understood that the Board of Trade had not the power to do that excepting in regard to grain cargoes. If they had the power with regard to grain cargoes, why should they not also have the power with regard to any improper ballasting? The noble Lord who represented the Board of

Trade had just told them, and he was very glad to hear it, that they had the power to do it. But they had never exercised that power, and how were they to be made to exercise that power? Unless something was done to make them exercise it they would not do so; at all events, they never had done so up to the present time.

*LORD TWEEDMOUTH reminded the noble Lord that Section 462 of the original Act gave the Board of Trade authority to exercise the power to which he had referred. Further, he thought it would be perfectly evident to the whole House that it was extremely undesirable to attempt to exercise this power over foreign vessels which were in either a Colonial or a foreign port. Really the argument against it was the same as that which was contained in the argument against the Amendment of Lord Inverclyde. He did not think it possible that His Majesty's Government could accept the Amendment, nor did he think it would be in the interests of the general regulation of the merchant service, not only in this country, but in other countries, if they did accept it; for they would then have less opportunity of coming to a general conclusion with other countries, so as to arrive at a common understanding as to the regulations which should apply to the services of all countries.

Amendment, by leave, withdrawn.

On Question, Clause 1, as amended, agreed to.

Clause 2 :—

Drafting Amendment agreed to.

LORD MUSKERRY, in moving the insertion of the words "or ballast" after "cargo" in sub-section (2) so as to secure a wider application of Section 462 of the principal Act, said he considered this a very necessary Amendment indeed, because he had shown their Lordships' House before now what a serious danger British sailors ran from vessels being insufficiently ballasted. This was a question of the safety of life at sea. The extraordinary interpretations that the Marine Department of the Board of Trade had given to the words of the Act had

been pointed out by him on many occasions; and to-night they had had a quite contrary interpretation to that which had been given on the Load-Line Committee. That Committee were told that the Board of Trade had not power to do what the House had to-night been told they had power to do. He thought these matters should be set out very clearly in the new Act, and that it should be clearly stated that the provision applied to both ballast and cargo. If they put in 100 tons of potatoes they called that "cargo," but if they put in 100 tons of pig-iron or 100 tons of stone ballast they called that ballast. But, whether potatoes, pig-iron, or anything else, it meant another 100 tons of weight; and in either case it meant putting the vessel further down into the water. What was the object of giving these different names, and of legislating differently for different kinds of loads, whether cargo or ballast? It was all right for the man sitting on shore in his office; but, when a man got out to sea, it was a very different matter. He pressed his Amendment, viz., to insert the words "or ballast."

Amendment moved—

"In page 2, line 9, after the word 'cargo' to insert the words 'or ballast.'"—(*Lord Muskerry*.)

**LORD BRASSEY* said that, having been a member of the Committee over which *Lord Spencer* presided and which made an exhaustive inquiry into these matters, he thought it right to say that the Committee, after careful consideration, found themselves unable to recommend the adoption of the proposals embodied in his noble friend's Amendment. The Committee found that the loss of life from insufficient ballasting was happily diminishing, and that the principal cause of accident, the breakage of the propeller shaft, had been very much diminished by the improved regulations of *Lloyds' Register Committee*. *Lord Spencer's* Committee recognised the extreme difficulty of deciding upon a light load-line which must necessarily vary according to different types of ships; and any restriction necessarily hampered the ship-owner in carrying on his business. For these reasons that Committee had decided, after very careful consideration, that they could not recommend the adoption of the

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proposals of those whom his noble friend represented.

LORD MUSKERRY reminded the noble Lord that that very Committee passed certain strong recommendations, not one of which had ever been carried out by the Board of Trade; and the Amendment he was now moving was with the object of bringing forward one of those recommendations which the Light Load-line Committee had pressed so strongly on the Board of Trade.

THE EARL OF GRANARD said that, as far as he understood the case at the present moment, according to this Bill the Board of Trade might detain any foreign ship for general unseaworthiness in ports of the United Kingdom, whether that ship took on board cargo or not. The words of the Bill included every foreign ship, because either they did take on cargo or they did not. It was therefore quite unnecessary to reply further to the noble Lord's Amendment.

THE EARL OF LOUDOUN thought they ought not to allow foreign ships to come into British waters carrying cargo; and their Lordships ought to be very careful how they dealt with this Bill. England had got the best seamen in the world; and why we should have foreign ships coming into our ports and going out with cargoes he did not know.

On Question, Amendment negatived.

Clause 2, as amended, agreed to.

Clause 3 :—

VISCOUNT ST. ALDWYN, in moving to omit Clause 3 and to insert a new clause dealing with the loading of grain cargoes on foreign ships, said that on the Second Reading of the Bill the Under-Secretary for Foreign Affairs made a very clear and precise statement as to the rights of this country in attempting to legislate with regard to foreign ships. He had laid it down that we had absolutely no right to do so until the ship came into an English port. He had always believed that that was the absolutely true interpretation of international law; and he did not think that in the end we should do any good

to our own shipping interests by attempting to legislate for the ships of foreign countries in such a way as we should not for a moment tolerate if foreign countries attempted to legislate for ours. He believed that the real and only way to deal with this great subject, which certainly did require to be dealt with, was by negotiation with foreign countries. Those negotiations His Majesty's Government had already stated they were engaged in; and if they should be at all promising, he hoped there would be no unnecessary delay in calling a general conference of the nations interested in shipping to consider the subject, and attempting to arrive at some conclusion. Even if at such a conference no definite conclusions could be arrived at, it would justify some general legislation in the different countries with regard to the load-line and other matters. At any rate, he thought such a conference would advance the question; and he was quite sure that no harm could be done by it in any case. Having heard that statement from the Under-Secretary for Foreign Affairs, he turned his attention to the third clause of the Bill, which dealt with grain cargo; and it seemed to him that that clause, in the form in which it now stood, did, to some extent at any rate contravene the doctrine laid down by the Under-Secretary for Foreign Affairs. He had consulted authorities, and he had had a clause carefully drafted, which he had placed on the Paper with a view to submitting it to their Lordships in place of the present Clause 3. He was advised that in that shape it was strictly within international law, and that it brought foreign ships laden with grain within the laws of this country, as, in his opinion, they ought to be brought as soon as they arrived in an English port. The clause was, he thought, more in accordance with the Report of the House of Commons Select Committee on foreign ships which sat in 1905, and which clearly in one paragraph of its Report recognised the extreme difficulty of placing foreign ships laden with grain on precisely the same footing as English ships; and only suggested that they should, as far as practicable, be subjected to the provisions of the Merchant Shipping Act. The clause was also on the same lines as that which related to timber-laden ships, which was now law, and which he

believed had worked very satisfactorily since the year 1894. He thought he need say nothing more in recommending the clause to their Lordships, and he hoped it might meet with the acceptance of the Committee.

Amendment moved—

“To leave out Clause 3, and insert the following new clause:—(1) After the first day of October, one thousand nine hundred and seven, sections four hundred and fifty-two and four hundred and fifty-five of the principal Act shall apply to a foreign ship which loads a grain cargo in the United Kingdom so long as the ship is within a port in the United Kingdom. (2) If, after the first day of October, one thousand nine hundred and seven, a foreign ship laden with grain cargo arrives at any port in the United Kingdom having the grain cargo so loaded that the master of the ship, if the ship were a British ship, would be liable to a penalty under the provisions of Part V. of the principal Act relating to the carriage of grain, the master of that foreign ship shall be liable to a fine not exceeding three hundred pounds. (3) The provisions of section four hundred and fifty-four of the principal Act, so far as that section provides for the delivery of the notice mentioned therein to the proper officer of customs in the United Kingdom, shall apply to all foreign ships laden with grain cargo arriving at a port in the United Kingdom after the date aforesaid, and the master of the ship shall be liable accordingly.”—(*Viscount St. Aldwyn.*)

*LORD INVERCLYDE thought he might say that the shipping trade accepted the Amendment of the noble Viscount. But he would like to point out that the principal Act to which he had referred only applied to foreign vessels loading in this country; and that if he would accept some such addition as the one he was about to suggest, it would make the matter more satisfactory. The addition was to the effect that after the first day of October, 1907, Section 455 of the principal Act should apply to foreign ships laden with grain, which discharged all or any part of their cargoes at any port in the United Kingdom, as long as the ships were within a port of the United Kingdom. He understood that His Majesty's Government were willing to accept that addition.

LORD MUSKERRY supported the Amendment on behalf of the seamen and officers of merchant ships.

THE EARL OF GRANARD said that, so far as His Majesty's Government was concerned, they were quite prepared to

accept the new clause suggested by the noble Viscount, and also the addition to that clause which had been proposed by Lord Inverclyde.

On Question, Amendment, with the suggested addition, agreed to.

Clause 3, as amended, agreed to.

Clauses 4 agreed to.

Clause 5 :—

*THE EARL OF GRANARD, in moving that the appointed day for the purposes of Part I. of the Act should be altered from 1st October, 1908, to 1st January, 1909, said that since the introduction of the Bill the date upon which it was to come generally into operation had been put on five months, but the date in the clause remained the same as when introduced. It therefore seemed right to alter that date.

Amendments moved—

“In page 2, line 37, to leave out the word ‘October’ and to insert the word ‘January.’”

“In line 38, to leave out the word ‘eight,’ and to insert the word ‘nine.’”—(*The Earl of Granard.*)

On Question, Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6, 7, 8, and 9, with drafting Amendments, agreed to.

Clause 10 :—

LORD MUSKERRY, in moving an Amendment to provide that the height above the deck to which goods were carried must not exceed three feet, or, in the case of a covered space, the full height of that space, said he was very glad indeed to find that they had accepted the Amendment moved by the noble Viscount, because its acceptance would make the carrying of his Amendment very much easier. Their Lordships had already shown their wisdom in dealing with one class of dangerous cargo, grain cargo, and, by his Amendment, he intended to ask them to deal with another very dangerous cargo, namely, deck cargo. It seemed to him a very absurd thing that a ship could load

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dangerous deck cargo and go from any port in the United States of America to the Continent without the Board of Trade being able to touch her, even though she might call at an English port; yet, if she called at a port in this country and unloaded a single deck log, then the Board of Trade could proceed against her. The law had declared that during a certain period from October to April it was a dangerous thing for these vessels to carry deck loads from the United States to the United Kingdom; but it could not interfere with those ships if they only just touched at the United Kingdom and then went on to the Continent. That, he thought, was absolutely illogical; and his Amendment was introduced with a view to meeting that anomaly; and he asked their Lordships in the name of common sense to accept his Amendment.

Amendment moved—

“In page 4, line 26, to leave out from the beginning of the clause to the word ‘carrying’ in line 29, and insert the words ‘if a British ship leaves any port on the coast of North America between the last day of October and the 16th day of April, or if any foreign ship arrives between the aforesaid period at any port in the United Kingdom.’”—(*Lord Muskerry.*)

*THE EARL OF GRANARD said that, with regard to the first part of the Amendment of the noble Lord, as far as he could make out, his proposal was to alter the whole principle of the law relating to the carriage of timber, and to make it apply to British ships in the American timber trade only. That was what it meant virtually, and any British ships doing any trade in the Baltic or in any part of the world would not come under such provisions.

LORD MUSKERRY said he fully admitted what the noble Lord had said about the Baltic.

*THE EARL OF GRANARD said that, with regard to the question of timber ships touching at English ports which were not bound for England, the principle which had always been followed was that they would not deal in any way with a foreign vessel coming to England unless she was going to discharge cargo here. They did not intend in any way to handicap their own vessels in competition with the foreigner.

***LORD MUSKERRY** said he must claim the indulgence of the Committee, as his health was not very good and really he ought not to be present at all; but he could not allow this Bill to go through without attempting to make some improvements in it. What he had always been met with by the Board of Trade was, first of all, that they had no power to deal with any British vessel sailing from any foreign port to a British port. He had been told by one Parliamentary Secretary of the Board of Trade, in the case of the "Mobile," "Oh, of course it is very sad, but, as the vessel was lost with all hands and the captain was drowned, he could not be prosecuted." What he wanted to do was to prevent these vessels sailing in a dangerous condition. They had admitted that they could do that in the case of a grain cargo. Would anyone tell him why it could not be done in reference to any other cargo? Why should a grain cargo be exceptional? He was only appealing to the Committee on the subject of the seamen's lives; and this was certainly a most dangerous thing. He asked their Lordships to consider the question seriously.

***LORD TWEEDMOUTH** thought the Amendment of the noble Lord would really restrict the powers which were granted under the Act. Under the old Consolidation Act, Section 451, there were given to the Board of Trade all the very powers to which the noble Lord referred; and the effect of his Amendment would be to limit those powers merely to vessels coming from America, and not to extend them to vessels from the Baltic. The proposal of the Government was far more important and far reaching than that proposed as an Amendment by the noble Lord. He hoped, therefore, the noble Lord would not press his Amendment.

***LORD MUSKERRY** said he would withdraw the Amendment, reserving to himself the right to bring forward the matter on a future occasion.

Amendment, by leave, withdrawn.

***LORD MUSKERRY**, in moving to leave out the words "if he is privy to the offence," said that under the Merchant Shipping Act the owner was supposed

to have given a warranty in every way. In fact, if these words "privy to the offence" were put in, they were making nugatory the words of the original Act. If they looked at Section 458 of the principal Act—

"In every contract of service expressed or implied between the owner of a ship and the master for any seaman thereof, and in any instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that the owner and the master, and every agent charged with the loading of the ship or the sending of the ship to the sea, shall use all reasonable means to insure the seaworthiness of the ship from the time the voyage commences."

If they left out the words "privy to the offence," they would practically render that language of the original Act void. The words in the clause were, "the master of the ship, and also the owner, if he is privy to the offence." It was the owner who was responsible. It was absurd to say that the owner was not "privy to the offence." If a dangerous deck cargo was taken to sea, he thought that under the common law the master was responsible for the deeds of his servant.

Amendment moved—

"In page 4, line 31, to leave out the words 'if he is privy to the offence.'"—(*Lord Muskerry.*)

***LORD TWEEDMOUTH** said that, if he might answer the noble Lord, he thought again here the owner was under the present Act absolutely liable. No doubt the master was in the first instant liable, and the master it was who was liable and responsible for the way in which the ship was loaded. No doubt, if the master was bailable, and from him the money could not be recovered, then the liability would fall on the owner, and the owner was in all instances under the present law liable, failing the master being brought to book for his offence, should he commit one, and provided it could be shown that the owner was responsible for the act done by the master. That was the law as it stood at present, and he did not think the noble Lord's Amendment was necessary.

THE MARQUESS OF SALISBURY said he should like his noble friend opposite

to explain a little further. No doubt he was right, but upon the face of it there appeared a little difficulty. His noble friend had stated, and no doubt correctly, that under the present law the owner was always liable in the second instance.

*LORD TWEEDMOUTH: In default of the master's payment.

THE MARQUESS OF SALISBURY: In default of the master's being able to satisfy the fine or whatever it was. The provision that the owner should be liable, even if he were not privy to the offence, might be a very proper one, but it did not quite come within the explanation of the noble Lord. As he understood, the present law was that the owner was always held to be liable if the master could not be got at, but in the present clause the owner was distinctly relieved of liability even if the master could not be got at, if he was not privy to the offence. He did not desire to criticise the clause—which might be a very proper one—but it did appear on the face of it to modify the provision of the law that the noble Lord had explained. All he wished was that the noble Lord should consider if that was really the intention of the Government. If it was, he did not desire to criticise it at the present moment.

LORD MUSKERRY said that he had read on two or three occasions letters with reference to shipping dangerous cargoes. It came to this. An owner would write a very guarded letter practically telling the master that he must ship those dangerous deck cargoes, and if the master did not do so, he knew very well that when he got home he would find that he had lost his berth. The ship would sail with a dangerous cargo, and might go down, and all hands be lost, the captain amongst them. In such a case, of course, nothing could be done to the captain; and was anything ever heard of an action against an owner under such circumstances? He had never heard of one, and he supposed that if he had given their Lordships one instance he had given them fifteen in the last few years, of vessels having gone down with all hands on board. He had instanced at least five within the last three years, and another one occurred only the other day, although

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in that instance all hands were not lost, but only two. What he wanted to do was to ensure the vessels being seaworthy when they started to sea; it was no good saying they arrived in a seaworthy condition; what they wanted was to make sure that they started so. He admitted that foreign vessels could not be dealt with in that way, but with regard to home vessels, it was quite within the power of Parliament to say that vessels leaving a foreign port to sail to our shores should be in a seaworthy condition.

*LORD TWEEDMOUTH said that it appeared to him that the words which the noble Lord desired to leave out increased the liability on the owner. In the case which the noble Lord had given of a ship going down and no more being heard of it, under this Bill the owner, if he could have been shown to be privy to the overloading of the ship, became liable for the claim made upon him afterwards, and therefore the words "if he is privy to the offence" absolutely increased the strength of the clause.

On Question, Amendment negatived.

*LORD MUSKERRY, in moving to substitute "100" for "150" cubic feet as the space in respect of which the master and owner were to be liable to a fine of £5 for carrying wood goods in contravention of the section, asked their Lordships for a moment to imagine what a vessel of this kind was. He observed that one of his noble friends opposite was laughing, but nevertheless it was a very serious matter. They were in smooth water in that Chamber, but if they got away in a big sea on the western ocean, it would be a different matter. The Marine Department of the Board of Trade knew nothing about the sea. These ships had bulwarks which were supposed to be a protection and a safeguard to the seaman. If wood goods were piled up to the full height of those bulwarks, and the vessel got into a bad sea, and that timber shifted—or even if the timber did not shift—he would ask their Lordships to consider how a man would be likely to get on with a sea sweeping over those decks. He would have a pretty bad time. He was aware that he was dealing with facts which did not possess much interest for their Lordships. They seemed

only to think, when these matters were brought forward, of the monetary aspect of the question. But, nevertheless, he would press on them the importance of safeguarding the men's lives at sea, and every Amendment he had brought before their Lordships was framed with the sole object of the safeguarding the lives of the seamen.

Amendment moved—

"In page 4, lines 32 and 33, to leave out the words 'for every 150 cubic feet' and to insert the words 'for every 100 cubic feet.'"—(*Lord Muskerry.*)

*THE EARL OF GRANARD said that the rule at the present time was a penalty of £5 for every 100 cubic feet of timber. In future the penalty would be reckoned on every 150 cubic feet of space instead of an actual measurement being taken of the timber, so that really the proposed Amendment made no change at all in the existing condition of things.

On Question, Amendment negatived.

*LORD MUSKERRY moved an Amendment to provide that the height above the deck to which goods are carried must not exceed "3 feet, or in the case of a covered space the full height of that space." He said he attached great importance to this Amendment, and that he would divide the Committee upon it, even if he could only get a couple of his noble friends to go outside with him. He had told their Lordships, and he thought they were fairly well aware that it had been considered dangerous to carry a certain amount of deck cargo in the winter-time from the United States to England. A 3-feet deck-load was a pretty bad deck-load anyhow. If they had a 4 feet 6 inch bulwark loaded up to 3 feet with deck stuff there was only 18 inches between a man and his being swept overboard into the sea. The Bill proposed to give 7 feet. He had read the discussion in the House of Commons, where it was said that the improved structure of the vessels and so forth would warrant such a thing. But these highly scientific experts could not take into account the unexpected which always happened at sea, and it was the seaman who was the best judge, not the marine architect or the marine engineer. It was the seamen who knew that what happened at sea very often upset the

calculations of all the marine engineers, and he would press this Amendment very strongly in the interests of the lives of the sailors.

Amendment moved—

"In page 5, line 9, to leave out from the word 'exceed' to the end of sub-section (3), and to insert the words '3 feet, or, in the case of a covered space, the full height of that space.'"—(*Lord Muskerry.*)

*THE EARL OF GRANARD said he was informed that nearly all the masters of these timber ships would take deck-loads, and what the Government intended to do was this: The present law was that on all covered spaces 3 feet was allowed and an equal amount in an uncovered space. What the Government proposed to do was to allow on covered spaces 3 feet, and on uncovered spaces 7 feet. He was informed that on ships of this kind what happened was that they were loaded up with timber to the height of 3 feet, and when the ship got into heavy weather and encountered heavy seas, some of the men were washed overboard. The consequence of what the Government now proposed would be that the vessel would be practically converted into a spar-deck ship. It was considered by all experts that such a ship would be much safer with a cargo of that sort than was the case at the present moment.

*LORD ELLENBOROUGH said that it appeared to him that the important question was whether the timber was properly secured. The question that always struck him when considering this matter was, how was the timber stowed, and further, was the ship so built as to carry such a cargo without its shifting? In many of these vessels it was exceedingly difficult to secure a deck-load properly, and he hoped that the Board of Trade would make it more difficult for ships to go to sea with cargo improperly secured or improperly built up, taking into consideration also the shape and build of the internal parts of the vessel. In some cases, however, when a ship carried planks of ordinary deals, this deck could be built up so as to make what were practically higher sides and a covered deck, so that the ship was actually safer when carrying a deck cargo than before.

On Question, Amendment negatived.

Drafting Amendment agreed to.

*LORD MUSKERRY, in moving the omission of sub-section (4) (c), said it was really a farce his bringing in any Amendments whatever with such a small House. He might almost withdraw all his Amendments, and bring them up again at a future stage of the Bill. Perhaps the Government would tell him which of his Amendments, if any, they would accept. That might shorten the procedure. Was it open to him to ask his noble friends opposite whether or not they would accept any of his Amendments.

THE CHAIRMAN OF COMMITTEES suggested that the noble Lord (Lord Muskerry) should take his Amendments one by one, and ask the Government with respect to each of them whether they would accept it or not. He presumed there were some which the Government would accept.

*THE EARL OF GRANARD: Yes.

THE CHAIRMAN OF COMMITTEES said that as he gathered the noble Lord did not intend to move any further Amendment upon Clause 10, he would now put the Question that the clause stand part of the Bill.

On Question, Clause 10, as amended, agreed to.

Drafting Amendments agreed to.

Clauses 11 and 12, as amended, agreed to.

Clause 13:—

Drafting Amendment agreed to.

*LORD MUSKERRY who had an Amendment on the Paper, to leave out "his opinion," and insert "the opinion of the examiner of masters and mates for the port or in the presence of such examiner of any certificated master mariner nominated by the superintendent or other officer," asked whether the Government would accept that Amendment.

*THE EARL OF GRANARD replied in the negative.

LORD MUSKERRY said that in that case there was no use in his pressing it at this juncture. The only reason he had for putting in that Amendment was that shipping superintendents were sometimes appointed from rather curious ranks of life. It would naturally be expected that they would have some knowledge of the sea, but in Middlesbrough, for instance, a certain shipping superintendent was a laboratory chemist. He thought it would be well that a shipping superintendent should be someone who had a knowledge of the sea. But of course he was powerless, having regard to the attitude of the Government.

*THE EARL OF GRANARD said that the view taken by the Government was that the superintendent was a man whose duty was to sign on the crew when they went on board ship, and they thought a man of that kind was perfectly competent to judge whether a member of the crew was sufficiently acquainted with English to be able to understand the orders given on board. That was the Government's reason for objecting to the proposed Amendment.

LORD MUSKERRY said that such a man might have no knowledge at all of the orders given on board ship, however much he might know of ordinary English. The technical orders given on board a vessel were very different, as he need hardly tell their Lordships, from the interpretation put upon them on shore. However, he was powerless.

On Question, Clause 13, as amended, agreed to.

Clauses 14 to 16 agreed to.

Clause 17:—

LORD MUSKERRY moved that the words "an owner" should be inserted after the word "master" in the sub-section imposing a penalty for carrying passengers on more than one deck below the water line. He said that this was a case where they were dealing with a passenger steamer. Their Lordships would know that in a case of that sort it was

the owner who contracted with the passengers, and it was he who received the money, and not the master. Therefore, he thought that it was very unfair to put the penalty upon the master, who had no yea or nay in the matter at all. He did not know whether his noble friend was going to object to that or not.

Amendment moved—

“In page 8, line 31, after the word ‘master,’ to insert the words ‘and owner.’”—(*Lord Muskerry.*)

*THE EARL OF GRANARD regretted that he must oppose the Amendment. The Government’s opinion was that the master was really the individual who must be held responsible for all these matters. It could only happen abroad, where there were no means for the owner to know what was going on.

LORD MUSKERRY said that in every case it was the owner who received the money, and he ought to be responsible. However, he would not pursue the matter further, but reserved his right to bring up the Amendment at a later stage of the Bill.

Amendment, by leave, withdrawn.

Clause 17 agreed to.

Consequential and drafting Amendment agreed to.

Clauses 18, 19, 20, 21, 22, 23, 24, and 25 agreed to.

Clause 26 :—

Drafting Amendments agreed to.

LORD ADDINGTON explained that the Amendments standing in his name were already provided for in another part of the Bill. Consequently he would not move them.

*LORD ELLENBOROUGH moved to add a new sub-section prohibiting a shipowner from contracting himself out of his responsibility for the provisioning of seamen. He said that it had been found that the men suffered more from bad provisions when the shipowners had contracted out of their liability, and handed it over to the captain or some steward on board. He had given some evidence on that subject

on the Second Reading, and he would not repeat it at the present stage, as he did not wish to take up unnecessarily the time of the House. He had brought with him, however, a Blue-book containing all the facts upon which he relied, in case any of his noble friends should wish to verify them. He begged to move the Amendment standing in his name.

Amendment moved—

“In page 12, line 25, after the word ‘pounds’ to insert the following new sub-section, ‘(4) A shipowner shall be unable to contract himself out of his responsibility for the provisioning of seamen.’”—(*Lord Ellenborough.*)

THE MARQUESS OF SALISBURY said that the Amendment was very far-reaching in its character, as in the case of a great number of steamers the crews found themselves, and they would be prevented from doing that by the noble Lord’s Amendment.

*LORD ELLENBOROUGH said that he had not thought the Amendment carried with it that the men could not feed themselves. He knew it was the custom on board yachts, and that it answered very well in certain other ships. Therefore, if the noble Lord would make some Amendment to do away with the difficulty raised by the noble Marquess, he would have no objection to accepting it. He did not in the least wish to prevent the men feeding themselves.

*THE EARL OF GRANARD said he could see no object in the Amendment, because the captain must provide food in accordance with the scale, and if he did not do so he subjected himself to a penalty.

*LORD ELLENBOROUGH said it was very difficult to get at either the owner or the captain in those cases. He hoped that something would be done to secure that the men should get good food. It was a very difficult thing to secure that, as the Blue-book which he had with him would show, though he did not want to read any extracts from it at the moment.

THE MARQUESS OF SALISBURY said he understood from the noble Lord in charge of the Bill that whatever contract was made by the owner

he was liable to the same requirements of the Act of Parliament, and would not be able to plead his contract as relieving him from the obligations which Parliament threw upon him. If that were so, he apprehended that that gave his noble friend all the remedy that he required. What he wanted was that the owner should not contract himself out of the responsibility for provisioning the seamen, and, as he understood, the Bill did not permit him to contract himself out of that responsibility. He might enter into any contract he liked, but the responsibility remained. He, therefore, did not see the force of his noble friend's Amendment.

*LORD ELLENBOROUGH said he believed that hitherto the seamen's remedy lay only against the captain, who in many cases misused his authority to make a profit for himself.

THE MARQUESS OF SALISBURY:—I put it to His Majesty's Government.

*LORD TWEEDMOUTH said that Clauses 25 and 26 of the Bill specially provided for the crew's having their own provisions, but in addition to that there was the schedule which provided for a compulsory scale, which the owner was obliged to comply with. That would be enforced. If the crew did not get food according to the scale in the schedule of the Act, the owner would be liable, and he could not plead any contract against that liability.

*LORD ELLENBOROUGH said that if that was the law he was satisfied, but he had an impression that that was not the law, and was not considered the law.

*LORD TWEEDMOUTH said that it would be the law when the Bill was passed.

*LORD ELLENBOROUGH said under those circumstances he would withdraw the Amendment.

Amendment, by leave, withdrawn.

Clause 26, as amended, agreed to.

Clause 27:—

*THE LORD BISHOP OF BANGOR, in moving an Amendment to provide that
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foreign-going ships should carry at least one officer or seaman duly certificated in proficiency in first aid and ambulance work, pointed out that his only desire was to save unnecessary suffering on the part of seamen, and he thought that that might be accomplished to a slight extent if their Lordships passed this Amendment. He did not think that it would impose any burden or expense on the shipowner, and he thought the noble Lord, Lord Brassey, in his speech on the Second Reading, had given his opinion that something of the kind was necessary. Their Lordships were perfectly aware that there were a very large number of men certified as having a certain amount of efficiency in ambulance work. As one walked along the street one saw policemen with a little button on their arm, as well as railway men and various other people, and he believed that in all large mines and in great works ashore there were a certain number of people skilled in rendering first-aid to the injured. On shore this was not so necessary as at sea, because, after all, that help and assistance was only required on shore for a few hours, and a doctor or surgeon could easily be sent for in case of accident. But everyone knew that on board sailing ships—especially those bound on long voyages—there was a very great liability to accident; and there necessarily no doctor or surgeon could be sent for. He thought it was a reasonable thing to ask that there should be somebody on board who had received a certain amount of practical training, sufficient to enable him to give such help as might be required, and he believed that that amount of skill and efficiency could be acquired quite as easily as cooking. He trusted, therefore, that such a provision would come into force at the same time as the provision with regard to carrying cooks. He had heard piteous stories of men who had been injured at sea with a broken limb, and had had nobody on board ship for two months who knew how to treat such an injury. Let their Lordships imagine a man with a broken leg, and no one anywhere near with the smallest idea how to put that leg into splints. He ventured respectfully to ask the noble Earl if he could not see his way to accept this very small Amendment. If it was badly worded through his ignorance of drafting he hoped the noble

Earl would undertake to introduce a better clause.

Amendment moved—

"In page 12, line 32, after the word 'capacity,' to insert the words 'and at least one officer or seaman who is duly certificated in proficiency in first-aid and ambulance work.'"
—(*The Lord Bishop of Bangor.*)

LORD MUSKERRY said that seven years ago a Board of Trade Committee considered this matter and reported strongly in favour of what the right rev. Prelate had brought forward, but, as usual, nothing had been done. He did not think there could be any question as to the benefit of such a provision on board a ship, and how much preventible suffering might be avoided by the captain or one of the mates on board having some knowledge of first aid, or of surgery. He had much pleasure in strongly supporting the right rev. Prelate's Amendment.

*LORD BRASSEY said that he had himself drafted a clause very similar to, and dealing with the same subject as, that of the right rev. Prelate. But he had been given to understand that the subject was one which would be more suitably dealt with by a regulation of the Board of Trade than by a clause in an Act of Parliament, and he, therefore, should not press the clause which he had put upon the Notice Paper. He earnestly hoped that the subject would continue to engage the attention of the Board of Trade. It was quite clear to their Lordships that where cases occurred of a broken limb or of dislocation on board ship, and there was no person on board trained in the art of rendering first-aid to the wounded, great suffering must occur and in some cases loss of life. The necessary instruction could be given at trifling expense, and he ventured earnestly to hope that the Board of Trade would deal with the subject by suitable regulation.

THE EARL OF GRANARD said that the noble Lord was correct in saying that the Board of Trade had power to deal with this subject. He was afraid, however, that at the present moment the Board of Trade had put so many burdens on shipowners that they did not desire to add any more just now. He, therefore, much regretted that at the present

moment he could not hold out any hopes of being able to put in force such a regulation as that suggested.

*LORD ZOUCHE OF HARYNGWORTH said that the unwillingness and the absolute refusal of the Government to deal with this question, which was one of mere humanity, seemed to him singularly unfortunate, as it was quite certain that in the absence of some such regulation seamen must necessarily suffer considerable hardship, and even distinct cruelty in many cases.

*LORD BRASSEY said that the cost would be very trivial.

LORD MUSKERRY said it would not put one farthing cost on the shipowner. It would only be adding something more to the examination, and was nothing to do with the shipowner, good, bad, or indifferent.

THE MARQUESS OF SALISBURY said he would be very loth, in view of the answer of the noble Earl, to press the matter unduly. A considerable number of obligations were being laid upon the shipping trade, and they ought to be careful not to add to them if it could be avoided. At the same time he thought the noble Earl must feel that a rather weighty appeal had been made to him on this subject from both sides of the House, and he was glad to hear the noble Earl say that the Board of Trade had power to deal with this subject by regulation. The noble Earl, however, did not—very likely for very good reasons—tell them whether the Board of Trade had ever exercised the power to make such regulations. He would not ask the noble Earl to go into the matter at present, but perhaps he would consider the propriety, when the next stage of the Bill was reached, of making any statement in his power with the view of meeting the very legitimate feeling which had been expressed on both sides of the House on this subject. If there was power to make regulations, and if the Board of Trade thought of making regulations, he thought it would be a very suitable opportunity for the Government to take Parliament into its confidence. But if after looking into the matter the noble

Earl found it was quite impossible to comply with the suggestion made, he thought it would be equally well that the Government should so state to Parliament, in order that the matter, which was one of great importance, might be laid at rest, at any rate for the present.

*LORD TWEEDMOUTH said he was sure that the Committee would believe that the Government was entirely in sympathy with the object of this Amendment. No doubt under Section 494 of the principal Act the Board of Trade had power to make these regulations, and there would be no necessity to introduce a clause into this Bill giving them that power. He thought certainly that in the case of the larger ships the Board of Trade might very well be pressed to make such a provision. But he felt that with regard to the smaller ships, with very small crews, there would be considerable difficulty in arriving at an all-round engagement to do such a thing when it was considered that if these special accomplishments were required on the part of seamen, the particular men possessing those accomplishments would naturally require and receive a higher rate of wage from the owner. He could assure the Committee that the Government looked with favour on the proposal, and would make inquiry upon the subject before the next stage of the Bill was reached.

LORD MUSKERRY said he might, perhaps, inform the First Lord that a very great number—a far greater number than possibly he knew—of the officers of the merchant service possessed these certificates, and it was within his knowledge that they received no extra payment in consequence.

*THE LORD BISHOP OF BANGOR said he did not quite gather whether the noble Lord had given a promise that the subject should come up again during the course of the Bill.

*LORD TWEEDMOUTH said that the Government would make a further statement on the question at a later stage of the Bill, and he thought probably some endeavour would be made to meet the wishes of the Committee as expressed to-night—that was to say, of course, with regard to future engagements.

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*THE LORD BISHOP OF BANGOR said that having regard to that promise he would withdraw his Amendment.

Amendment, by leave, withdrawn.

Drafting Amendments agreed to.

Clause 28 —

Clause, as amended, agreed to.

*LORD ELLENBOROUGH, in moving an Amendment to the clause dealing with the wages and effects of a seaman left behind, said that, as regarded this part of the Bill, what he would like to see done was that the shipping should be relieved of the light dues, and deprived of the deserters' wages. As long as deserters' wages went to the owners of ships so long would desertion continue. There was a regular trade in this kind of thing in distant ports, like San Francisco. If the Committee declared that the captain was to keep for the owners whatever money he might have spent in trying to recover the deserters they would have accounts which it would be impossible to test. It was impossible to find out how much a captain might have given to foreign police, or to test how much he had spent in boat hire, and a man who would be capable of bullying men out of a ship would in nearly all cases be capable of making up a false account. He did not think it would be possible to keep men on board ships until it came to be the interest of owners to keep their men on board instead of driving them out of their ships. As far as he could make out there were about 27,000 deserters a year, and if they were owed about £10 apiece, that would amount to a sum of £270,000. He did not think it was quite fair to shipowners to ask them to give up what was in some cases properly earned money, as in many cases the man was not driven out of the ship, and it was not always the fault of the owners. Turkey was the only country, he believed, that at present charged light dues on ships and if they took away this desertion money and relieved the shipowners of the light dues it would be a great step towards making the ships habitable and happy.

Amendment moved—

"In page 13, line 27, to leave out from the word 'trade' to the word 'such' in line 36,

and to insert the words 'of the effects and wages.'"—(*Lord Ellenborough.*)

*THE EARL OF GRANARD said he was afraid that if the Government accepted the Amendment they would have to change the whole structure of that very long clause. If a shipowner went abroad, and lost a certain part of his crew by desertion, the shipowner must be reimbursed for the loss sustained by him. It would be quite unfair if that was not done. What the noble Lord wanted to do was that in the event of the desertion of any man on board ship the shipowner should not be reimbursed in any way for expenses caused to him by this desertion. That, he thought, would be most unfair.

*LORD ELLENBOROUGH said he wished the matter to be treated exactly in the same way as if the man had died, but that the money should go to the Exchequer instead of going to relations.

On Question, Amendment negatived.

*THE EARL OF GRANARD moved an Amendment to provide that the master should, if required, in accordance with regulations made by the Board of Trade, furnish such vouchers as might reasonably be required to verify his accounts. He said that under the clause, as originally introduced, accounts were accompanied by such vouchers as the Board of Trade might require. Representations, however, had been made to the Board of Trade, and it was now intended to change that clause somewhat. After the words "Board of Trade" in the Amendment as it appeared on the Amendment Paper, they intended altering the phraseology in this way—"furnish such vouchers as may reasonably be required to verify the accounts."

Amendment moved—

"In page 13, line 36, to leave out from the word 'Act' to the end of the sub-section, and insert the words 'the master shall, if required by the proper officer in accordance with regulations made by the Board of Trade, furnish such vouchers as may reasonably be required to verify the accounts.'"—(*The Earl of Granard.*)

*LORD ELLENBOROUGH did not quite see how vouchers obtained from a negro or a Chinaman, who was

absolutely illiterate, would afford much information as to how much was actually paid for boat hire; nor did he see how vouchers could be obtained from foreign police as to money expended in capturing a deserter. He thought it was quite a hopeless thing for the Board of Trade, or any other Department, to attempt.

THE MARQUESS OF SALISBURY thought the word "reasonably" covered it.

LORD ELLENBOROUGH: Perhaps so. I have not got the word "reasonably" in the Amendment before me.

On Question, Amendment agreed to.

Consequential and drafting Amendments agreed to.

LORD MUSKERRY moved an Amendment providing that the section should not apply where the master of the ship satisfies the proper officer that none of the effects of the seaman have "to his knowledge" been left on board the ship. He said it was a very simple thing, because a seaman did not leave any effects behind him as a rule. If he went away his mates divided his effects up between themselves, or else he disposed of them before leaving the ship.

Amendment moved—

"In page 16, line 25, after the word 'have' to insert the words 'to his knowledge.'"—(*Lord Muskerry.*)

On question, Amendment negatived

Clause 28, as amended, agreed to.

Clause 29 :—

Drafting Amendments, agreed to.

Clause 29, as Amended, agreed to.

Clauses 30 and 31 agreed to.

Clause 32 :—

LORD MUSKERRY pointed out with regard to the repatriation of seamen on termination of service at a foreign port, that supposing a man was discharged, at, say, Melbourne or the Cape of Good Hope or any other similar place, he would be very much further away from his home than

if he were discharged at any foreign port. If the service of a seaman belonging to a British ship terminated at a port outside His Majesty's dominions, for instance, at, say, Bordeaux, he was entitled to get back as being discharged at a foreign port. But, if he was discharged at, say, Melbourne, Hong-Kong, or Sydney, he would not be entitled to get back. That, he thought, was rather hard on the seaman. The words of the clause were "at a port out of His Majesty's dominions," and he moved to put "the United Kingdom" in the place of "His Majesty's dominions."

Amendment moved—

"In page 18, line 2, to leave out 'His Majesty's dominions' and insert 'the United Kingdom.'"—(*Lord Muskerry.*)

LORD ELLENBOROUGH said he was in agreement with Lord Muskerry on this point. He thought it very hard that a seaman should be discharged in some out-of-the-way Colony. He did not think a man was so much to be pitied who was discharged at Melbourne or Hong-Kong, because there were always ships there in which he could easily get away. But there were a number of places and harbours in out-of-the-way Colonies where men were discharged and could only with great difficulty get a passage in another ship. There were all sorts of queer places, the Falkland Islands, for instance, and our various Protectorates on the Niger, and other unhealthy places, where a seaman might be put to very great hardship if discharged, simply because it happened to belong to His Majesty's dominions. Therefore, he thought there was a great deal in the argument of his noble friend, and he supported his Amendment.

THE EARL OF GRANARD said there was always a distinction made between a man discharged in a foreign port and one discharged in His Majesty's dominions. It had always been held that if a man was discharged in His Majesty's dominions he was among friends and able to get home. But the position was quite different in regard to a foreign port; and in those cases a man was always treated upon different terms. As a matter of fact, if a man was out in Melbourne or anywhere else in Australia and became distressed out there, he was

invariably sent home. On the whole he could not see any particularly good reason for making any change in the present law.

*LORD ELLENBOROUGH asked whether the noble Lord would say what places he considered to be "ports" on the west coast of Africa? There were a number of anchorages there where a man might be discharged which were called ports, because goods could be landed there under arrangement with the Customs House.

On Question, Amendment agreed to.

LORD MUSKERRY, in moving an Amendment providing that, "The master of a vessel whose services have terminated at a port outside the United Kingdom shall be entitled to have his passage home provided at the expense of the owner to a proper return port," said he could not understand why the master should be specially exempted from the operation of the clause. The master's pay was not so very much larger than that of the other officers; and, after all, it was only a fair thing that he should have his passage home paid. He would remind their Lordships also that in the case of a disputed account everybody on board, except the unfortunate master, could remain quiescent while the dispute was going on and everybody had to be paid up every penny to the date of the final settlement, whereas the master, the moment there was a disagreement with the owner, was liable to be told, "You can go at a week's notice." The master might be dismissed at a week's notice, and the owners might withhold the final settlement for six months, and the master had no claim whatever for any money during the whole six months. It was really a case of starving the master.

Amendments moved—

"In page 18, line 35, after the word 'seaman' to insert the following new subsection: '() The master of a vessel whose services have terminated at a port outside the United Kingdom shall be entitled to have his passage home provided at the expense of the owner to a proper return port.'"

"In line 36, after 'foreign' insert 'master or.'"—(*Lord Muskerry.*)

*LORD TWEEDMOUTH said the meaning of the Bill was that the

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master was the employer of the hands on the ship; and, if the seamen had to be repatriated, he had to make arrangements for their repatriation. It had always been the custom for the owner and the master, whose modified servant he was, to make the arrangements should repatriation become necessary. There had been very little trouble about this in the past, and he thought it was not desirable to make a change when it was not needed.

Amendment, by leave, withdrawn.

Clause 32, as amended, agreed to.

Drafting Amendments agreed to.

Clauses 33, 34, 35, and 36 agreed to.

Clause 37 :

*LORD ELLENBOROUGH, in moving an Amendment as to the penalty to be imposed upon a master publishing a false account, said the clause as it stood was that a master who failed to deliver an account or knowingly delivered a false account, was for each offence to be liable to a fine of £20. He did not think a fine of £20 was at all a sufficient punishment for a person who knowingly delivered a false account. If a barrister were to be guilty of such a fault he would be disbarred. An officer of the Army or Navy would be cashiered, and a solicitor would be struck off the Rolls. He did not see any reason why the standard of honour among master mariners should be considered to be lower than in the professions he had mentioned. He thought the master who knowingly delivered a false account was not fit to be placed in a position of authority over other men or to command a ship. Such a person would be just the sort of man who would be likely to wreck his ship, and to join in with those insurance harpies who made their living out of such nefarious practices. The man who knowingly delivered a false account was marked for the rest of his life, and he did not think he should be allowed to continue to exercise the honourable profession of a master mariner.

Amendment moved—

“In page 21, lines 21 and 22, to leave out the words ‘a fine not exceeding twenty pounds

and insert the words ‘deprivation of his certificate of master.’”—(*Lord Ellenborough.*)

*THE EARL OF GRANARD said he agreed with a great deal of what the noble Lord had said. It was certainly a very reprehensible offence, but he did not think there would be much gained by putting in the words suggested, for at the present moment if a master did furnish a wrong account, he could be proceeded against, and if a conviction was obtained the Board of Trade could deal with his certificate. So that he did not think there was any particular necessity for putting in the words suggested by the noble Lord.

*LORD ELLENBOROUGH asked whether the certificate would be cancelled if the man was found guilty by a county court.

*THE EARL OF GRANARD thought probably that would be so. The whole case would be gone into, and if it was a bad case there was no doubt whatever that the certificate would be cancelled.

*LORD ELLENBOROUGH said that if the Government wished the Board of Trade to have authority to cancel the certificate perhaps that would be the better way of doing it.

*THE EARL OF GRANARD said he thought he had made himself clear to the noble Lord. He had explained that the Board of Trade had power at the present moment to cancel a certificate in such circumstances.

THE MARQUESS OF SALISBURY said he understood that the Board of Trade proceeded to consider the question of a certificate after a fine had been inflicted, quite independently of that, or rather in pursuance of that, and therefore he thought that would answer the question of his noble friend. There was no doubt that the law was that under those circumstances the Board of Trade would have full power to deprive a master of his certificate, and if that were so there would be no difficulty.

LORD ELLENBOROUGH: Then I withdraw the Amendment.

Amendment, by leave, withdrawn.

Clause 37, as amended, agreed to.

Clauses 38 and 39 agreed to.

Clause 40 :—

THE CHAIRMAN OF COMMITTEES said that Lord Muskerry had a number of Amendments under this clause, but he would point out to the noble Lord that he had also a number of Amendments under Clause 49 which defined the proper authority, and if the Committee agreed to those Amendments they would cover all his Amendments to Clause 40.

LORD MUSKERRY said that if he might interrupt the noble Chairman he would like to point out that his first Amendment under Clause 40 was to leave out “may” and insert “shall.”

Amendment moved—

“In page 23, line 5, to leave out ‘may’ and insert ‘shall.’”—(*Lord Muskerry.*)

*THE EARL OF GRANARD said that the Government were quite prepared to meet the noble Lord about it.

On Question, Amendment agreed to.

THE CHAIRMAN OF COMMITTEES said that in that case he would ask the noble Lord to leave out all the others, which he considered were included in the definition clause until that was reached.

Clause 40, as amended, agreed to.

Clause 41 :—

*LORD ELLENBOROUGH said that another Amendment on the Paper was far better than his, because it dealt with the whole question of whether a master should be considered a seaman. That, he understood, was to be considered later on, when the Definition Clause was reached, and therefore he would not say anything about it now.

THE CHAIRMAN OF COMMITTEES : The noble Lord does not move his Amendment.

Clauses 41, 42, and 43 agreed to.

Drafting Amendments agreed to.

Clauses 44, 45, 46, 47, and 48 agreed to.

Clause 49 :—

LORD MUSKERRY said that as this was the Definition Clause which had already been referred to he would like to explain how it dealt with the master under the Merchant Shipping Act at the present time. If there were any dispute between the owner and any of his employees who were seamen, the amount was settled up to the date of final settlement. That was to say there might have been a dispute between a seaman and his master, and the seaman might have been living on shore for a month or two months, doing nothing, but when the date of final settlement came, the owner had to account for every day of those two months. In the case of a master, the master not being a seaman under this very curious Merchant Shipping Act, that was not so, and the master in the case of very many firms—he was not going to give the names, although he could do so—was treated very summarily. This was a crying injustice, and he could, if he chose, give the names of cases which had been tried in the last few years. The master very often had to sign with the owner an agreement that his engagement should terminate at, say, a week's notice. When the master was dismissed and went to the office to get his pay the owner said, “We will take an account,” and they might hang up that account for six months. That was what was ordinarily called—and he would ask their Lordships to take it from him as a fact—“starving the captain out.” There were a certain number of unscrupulous ship managers—not ship owners—who represented the old time shipowners, who carried out this plan of “starving their captains out,” and kept them hanging on, earning nothing, and after a captain had been on his beam ends for perhaps three months, they would say, “Here Captain So-and-so, we will give you so much”—perhaps half what was due to him—“and give you a good reference.” And the poor devil's only chance was to take it and go; it was pure robbery and a scandalous piece of work; and he had proofs that it was often done.

Amendment moved—

“In page 28, line 35, after the word ‘service’ to insert the words ‘and masters.’”—(*Lord Muskerry.*)

*THE EARL OF GRANARD was afraid he must object to the noble Lord's Amendment, the object of which was, apparently, to place the master on exactly the same footing as the seamen. He was, however, prepared in one way to meet the noble Lord later on. He had been thinking of inserting a clause after Clause 66, which might help the noble Lord, with regard to a master who went on shore and was not able to get his pay. If he might read the clause over, perhaps the noble Lord would tell him whether he agreed with it. The following was the new clause which he proposed to insert after Clause 56—

"In any action or other legal proceedings by the master of a ship for the recovery of any sum due to him on account of wages, the Court may, if it appears to them that the payment of the sum due has been delayed otherwise than owing to the act or default of the master, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the person liable to make the payment, order that person to pay, in addition to any sum due on account of wages, such sum as they think just as damages in respect of the delay, without prejudice to any claim which may be made by the master on that account."

That would simply mean that if a master was owed £10, or anything like that, and went on shore and could not get paid, if he sued in a Court afterwards, the Court might make him some compensation. He could not amend the Definition Clause right through, simply to change the *status* of the master.

LORD MUSKERRY said he quite understood the noble Lord's difficulty, and it was a matter which might be considered hereafter.

Amendment, by leave, withdrawn.

On Question, Clause 49 agreed to.

Clauses 50 and 51, with drafting Amendments, agreed to.

Clause 52 :—

LORD BALFOUR OF BURLEIGH, who had an Amendment on the Paper to the effect that "the registry of any registered ship ceasing to be a British ship by reason of a transfer to persons not qualified to be owners of British ships shall not be closed without the consent in writing of all persons appearing on the register as mortgagees,"

said that he did not propose to trouble the Committee by moving the Amendment; but the point with which it proposed to deal was a very important one, and the present position was not altogether satisfactory. It was very intricate and difficult to understand without a long explanation; but he was glad to be able to say that he believed some of those for whom he was partly acting had had more than one interview with the representatives of the Board of Trade; and he had every reason to hope that a satisfactory solution would be arrived at. If the noble Lord concurred in that view he would not have to raise the matter at a subsequent stage.

THE EARL OF GRANARD said the Government would have had a clause drawn up if it had not been for the regrettable illness of the Lord Chancellor, but he hoped, when the subject came up again, to be able to meet the noble Lord.

On Question, Clause 52 agreed to.

Clauses 53, 54, and 55 agreed to.

Clause 56 :—

LORD MUSKERRY, in moving to omit Clause 56 and to substitute a new clause therefor, said there was nothing in the Act as it stood now making it incumbent on any home-going ship, no matter of what size—she might be the size of the "Celtic"—as long as she was outside the three-mile limit, to carry a properly certificated officer, who might be assumed to be competent and responsible. He would ask his noble friend whether he was prepared to accept the Amendment.

Amendment moved :

"To leave out clause 56, and insert the following new clause: "(1) Every British foreign going ship of over eighty tons net register tonnage and every British home trade ship of over eighty tons net register tonnage, and every foreign ship of over eighty tons register tonnage trading between places in the United Kingdom shall when going to sea be provided with officers duly certificated under this Act, according to the following scale—"(a) In every case with a duly certificated master; (b) In every case with duly certificated officers in accord with the scale as follows: (i) Every British foreign going or home trade ship of less than eight hundred tons net register tonnage shall carry, besides the master, at least two certificated officers holding certificates of a grade not lower than that which they occupy on board the ship; (ii) Every British foreign

going ship or home trade ship of over eight hundred tons net register tonnage shall carry at least three certificated officers besides the master; (iii) Every British foreign going steamship of over three thousand tons net register tonnage shall carry at least four certificated officers besides the captain; (iv) A foreign going sailing ship of under two hundred tons net register tonnage may, besides the master, carry one certificated officer only, and the possession of a second mate's certificate for foreign going vessels shall be deemed sufficient in this case; (v) If the ship is a foreign going steamship of one hundred nominal horse-power or upwards, with at least two engineers, one of whom shall be a first-class and the other a first-class or second-class engineer, duly certificated; (vi) If the ship is a foreign going steamship of less than one hundred nominal horse-power, or a sea-going home trade passenger steamship, with at least one engineer who is a first-class or second-class engineer, duly certificated; (2) If any person (a) having been engaged as one of the above-mentioned officers goes to sea as such officer without being duly certificated; or (b) employs a person as an officer in contravention of this section, without ascertaining that the person so serving is duly certificated, that person shall be liable for each offence to a fine not exceeding fifty pounds. (3) An officer shall not be deemed duly certificated, within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency under this Act, of a grade appropriate to his station in the ship, or of a higher grade. (4) Section 92 of the principal Act is hereby repealed."—(*Lord Muskerry.*)

THE EARL OF GRANARD was afraid he could not accept this Amendment.

*LORD MUSKERRY thought he would wait until he heard his noble friend's argument against the proposal.

*THE EARL OF GRANARD was bound to say that the Government had a certain amount of sympathy with the Amendments moved by the noble Lord, but they thought they covered too big a question altogether to bring into the Bill at the present stage. If it was advisable and possible to do so next year, the whole matter might be referred to an Advisory Committee; and on the Report of that Committee the Government could subsequently act.

Amendment, by leave, withdrawn.

Clause 56 agreed to.

Amendment moved—

"To insert as a new clause—'In any action or other legal proceedings by the master of a ship for the recovery of any sum due to him on account of wages, the Court may, if it appears

to them that the payment of the sum due has been delayed otherwise than owing to the act or default of the master, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the person liable to make the payment, order that person to pay, in addition to any sum due on account of wages, such sum as they think just as damages in respect of the delay, without prejudice to any claim which may be made by the master on that account.'"—(*The Earl of Granard.*)

*LORD MUSKERRY objected. He thought the Committee ought to have an opportunity of considering that clause at another stage of the Bill.

THE MARQUESS OF SALISBURY hoped his noble friend would allow the noble Earl opposite to put the Amendment in, because it would then be printed, and his noble friend would then have an opportunity of considering it.

LORD MUSKERRY: I agree.

On Question, Amendment agreed to.

Clause 57 agreed to.

Clause 58:—

*LORD MUSKERRY moved an Amendment to omit the provision for furnishing a disrated seaman with a copy of the entry of his disrating. He said that under the Act, where a man was disrated or otherwise similarly dealt with, the man had to be told in the presence of witnesses that such a course was being taken, and an entry had to be made in the log. He contended that handing him over an official document to grind him all the time he was on the voyage was not a good thing. If a man had not sense enough to appreciate his position without being hauled up on the quarter-deck and told what he was disrated for, and shown the entries in the log, he saw no reason for giving him a copy of the entry. It was only a trade union business.

Amendment moved—

"In page 31, lines 32 and 33, to leave out the words 'and furnish the seaman with a copy of the entry.'"—(*Lord Muskerry.*)

*LORD TWEEDMOUTH said that the provision was entirely for the benefit of the seaman himself. If they were going to disrate a seaman, surely he ought

to be told at once that he had been so disrated.

*LORD MUSKERRY wished to remind the noble Lord that that was the case under the existing Act. The only new thing in this Bill was that a man was supposed to have a copy of the entry, and to that he (Lord Muskerry) objected. At the present time an entry had to be made in the official log, and it had to be done in the presence of witnesses. What he objected to was the copy, and he thought it would be against the principles of discipline to do what was proposed to be done. He asked whether the noble Lord accepted his Amendment.

*LORD TWEEDMOUTH said he did not. A man might be disrated, and then, without knowing that he was disrated, he might find that at the end of a voyage of two years he was paid a good deal less than he expected to get.

*LORD MUSKERRY said that if the noble Lord would refer to the Merchant Shipping Act he would see that the provision was that the man must be called up, and that the disrating must be entered in the official log. He could not be disrated without his knowledge.

*LORD ELLENBOROUGH said that men had been known to complain of being disrated without their knowledge, and in such a case the document would be useful as furnishing a proof whether that had been done or not.

On Question, Amendment negatived.

Clause 58 agreed to.

Clause 59 :—

*THE EARL OF GRANARD moved an Amendment to leave out Clause 59 and to insert a new clause in substitution therefor. He said that the clause he proposed inserting was exactly the same in its object as that which was introduced in the House of Commons by Mr. Havelock Wilson. The clause was exactly the same in principle as that accepted in the Commons.

Amendment moved—

"To leave out Clause 59 and to insert as a new clause, 'Notwithstanding anything in Section 136 of the principal Act, a seaman may except from the release, signed by him, any specified claim or demand against the master or owner of the ship, and a note of any claim or demand so excepted shall be entered upon the release. The release shall not operate as a discharge and settlement of any claim or demand so noted, nor shall sub-section (4) of that section apply to any payment, receipt, or settlement made with respect to any such claim or demand.'—(*The Earl of Granard.*)

On Question, Amendment agreed to.

LORD MUSKERRY moved to insert a new clause providing for payment of a master's wages in certain events. He had already spoken about this matter and he did not think he need add anything to his previous remarks.

Amendment moved—

"In the case of delay in payment of the wages of the master of a British foreign-going vessel or home trade vessel for a period of over seven days after his account has been rendered, he shall be entitled to wages up to the date of final settlement unless the delay is due to the wrongful act or default of the master or to any reasonable objection as to liability."—(*Lord Muskerry.*)

*THE EARL OF GRANARD reminded the noble Lord that he had already intimated that the Government were inserting a new clause after Clause 56, which would deal with such a case as he had in view.

LORD MUSKERRY: I suppose I had better bring it forward again after I have seen the noble Lord's clause.

Amendment, by leave, withdrawn.

Clause 60 agreed to.

Clause 61 :—

*THE LORD BISHOP OF BANGOR proposed an Amendment to reduce the amount of a seaman's money left in the master's hands from £10 to £5. He admitted that the clause itself was an excellent one, and one which would be very good for seamen. But he knew that in certain cases it would be of practically little use. When a man was rated at £2 10s. a month, he had an advance for

a month before he left harbour, and when he arrived at the end of a four months voyage, say at San Francisco, he would have very little more than £10 standing to his credit. So that really, to say that there might be remitted to him any sum over £10 was not doing very much good to him. He could not see why the whole of his money should not be remitted to him, because it was impossible for the man to desert. Money would not be sent home until the ship was starting on her homeward voyage, and it could be easily arranged so that the man was safe on board ship, and could not possibly desert. But he had not liked to ask too much, and he had accordingly limited his Amendment to reducing the sum left in the master's hands from £10 to £5. He observed that Lord Ellenborough had put down an Amendment to hand over to the seamen one month's wages. He thought perhaps that was really better than his own Amendment, and he was quite ready to give way to the noble Lord.

Amendment moved—

“In page 32, line 26, to leave out the word ‘ten’ and to insert the word ‘five.’”—(*The Lord Bishop of Bangor.*)

*LORD ELLENBOROUGH considered that his own Amendment was the better one, but at the same time the Amendment of the right rev. Prelate had a far greater chance of passing that House. Therefore, he would support the right rev. Prelate's Amendment, to the effect that the owners could keep £5 in hand as a minimum for each seaman. Now police magistrates constantly used the expression “40s. or a month,” and from that he gathered that 10s. was looked upon among the labouring classes and among those living from hand to mouth as about the equivalent of one week's imprisonment—so that if a man was mulcted in £5 his fine was equal to 10 weeks imprisonment, which was sufficient punishment, as if caught he could be imprisoned in addition to this. £10 was too large a sum to be kept in the master's hands. It was enough to bribe some of the worst class of captains to drive a man out of a ship. He did not believe they would ever raise the *status* of seamen until they did away with the shame of keeping a large sum of his money out of his hands for the

The Lord Bishop of Bangor.

benefit of a shipowner who got the interest of his money which he employed in his business and never paid to the seamen. He, therefore, supported, with much pleasure, the right rev. Prelate's Amendment.

*THE EARL OF GRANARD said that this clause had been arrived at after a great deal of discussion. He thought the sum of money was stated at first at something like £20, and then a compromise was arrived at and both shipowners and seamen's representatives were perfectly prepared to take £10. The Government considered that the shipowner ought to have a certain amount of money in hand, and they did not consider £10 excessive. Consequently that amount of £10 was put into the Bill, and His Majesty's Government were not disposed to change the clause as it stood at present.

*LORD ELLENBOROUGH was sorry to hear the answer given by the noble Earl. He had hoped that the Government would have allowed this Bill to be made a complete Bill, giving the seamen all they ought to have. Instead of that, it was a sort of half-way-house Bill, and would have to be amended in a few years time. Thus the Government and the shipowners would expose themselves to the danger of legislation on the lines of the Australian Commission, which was the real peril that they had to face, whereas if they accepted the Amendments that he had laid before them they would disarm the unions, and lessen the number of alien seamen in our merchant service.

On Question, Amendment negatived.

Consequential and drafting Amendments agreed to.

On Question, Clause 61, as amended, agreed to.

*THE LORD BISHOP OF BANGOR, in moving to insert a new clause, making provision for the part payment of wages while a ship was in port, said he was told that one of the great reasons why men deserted at foreign ports was because they were not allowed pocket money. If they could fancy a man who, after a four months' voyage found himself in a

harbour for weeks and wanted to go ashore, and was only allowed the merest pittance of pocket money, and then a crimp came to him and offered him money and the very vilest of amusements, they would understand that a man who would really not be tempted if he had money to spend to amuse himself in his own way, would fall a prey to the crimp. Numbers of seamen, who were not naturally profligate, and had no natural taste for those particular vile pleasures which the crimps found to pander to their tastes, fell a prey to them, and one of the reasons for their doing so was want of pocket money. He might say that that was the deliberate opinion of several of His Majesty's Consuls. The late Marquess of Salisbury, when at the Foreign Office, asked for reports from the various Consuls as to the cause of the profligacy of seamen, and they gave the cause that had been already alluded to—men being run out of ships. That was one of the reasons given; but several of the Consuls said that a great cause was this want of pocket money. The Consul at San Francisco, Mr. Westley Moore, gave this reason, and said that a seaman ought to be allowed to draw ten shillings a week. The Consuls at Rio de Janeiro and at Nagasaki gave exactly the same reason, and said that a man ought to be allowed to draw 25 per cent. of his wages in port. And Sir Newson Smith, at Valparaiso, had perhaps used the strongest words, from which he would only read a brief extract—

"It is the usual thing here for a seaman to have been 100 days at sea on food that would not be tolerated in the Army or Navy, to remain sixty days in port in sight and smell of a big town and never be granted leave ashore. Nor are his wages paid to him, so that he may buy fruit and luxuries to which he has been so long a stranger. Is it to be wondered at that British men no longer man British sailing ships? I suggest that a seaman in port should always be able to draw a portion of his wages, not exceeding a proportion to be fixed by the Board of Trade."

He might say that the seamen's missionary of San Francisco had told him that he asked one of the leading boarding-house keepers of San Francisco what would be the result if the seamen had a small proportion of their wages paid to them regularly, and he said, "I should not get half the men." The proposal he was making seemed really a very small one, and one was almost ashamed to have to ask that a man should be paid half

the wages he had earned each week, while he was in port. What would be said by any of those gentlemen whose interests were so forcibly advocated in another place, and which had received so much recognition lately in their Lordships' House, were one to stand up and make such a proposal as that each man—he asked no more than this—he left the whole balance that he had earned on his voyage out—four months probably—should each week he was in port be paid just half the amount he had earned? Personally, he thought the man ought to be paid in full, but he would only venture to put that forward as a small proposal to go on with—that each man should be able to earn a certain amount of weekly pocket money while in port. It would be, he was told, a very great safeguard, and would save many seamen from deserting.

Amendment moved—

"To insert the following new clause:—
'After a ship has been in port eight days, a seaman shall be entitled to be paid by the master a sum not exceeding half the wages earned by him during that week, and to a similar sum each succeeding seventh day while the ship remains in port.'—(*The Lord Bishop of Bangor.*)

*LORD ELLENBOROUGH agreed with a great deal that had fallen from the right rev. Prelate. There was only one point of the Amendment with which he disagreed, and that was, that he thought every seven days was almost too often for a captain to be paying money, and that if the period was made a fortnight or a month, it would be better. But the right rev. Prelate had hit the root of the whole matter. Instead of receiving their wages as they became due, small sums were doled out to them as if they were little boys at school. Fully grown men would not submit to be treated like children of 12 years of age. Every man ought to be treated as a man, and as long as most of their money was kept back from them so long would there be trouble in manning our ships with British seamen.

*LORD TWEEDMOUTH said that this Bill was a Bill of compromise. The law, as it stood, provided that every seaman was only to be paid at the end of the voyage. This Bill laid down that every seaman was to have an allotment

from time to time, whilst on board, and also that he was to have power to remit the balance of his wages to his friends at home. He was afraid that His Majesty's Government could not go further than that. The question had been the occasion of considerable consultation between the Board of Trade and the ship-owners, and this compromise had been arrived at. He was afraid that the arrangements must be adhered to, and that they could not make the concession that the right rev. Prelate asked for. At the same time he felt considerable sympathy for the views which the right rev. Prelate had expressed.

THE MARQUESS OF SALISBURY also sympathised with the right rev. Prelate, because it appeared to him that the proper direction which legislation ought to take was to improve the amenities of the life of the seaman, so as to attract men to the merchant service, and it was because this Bill went such a long way towards improving those amenities that he was one of its strongest supporters in their Lordships' House. The question was whether they should go a step further, as the right rev. Prelate had suggested; but perhaps he would see the wisdom of not trying to go too far at one step, and of accepting the amount of improvement which the Government had put before them as sufficient, at any rate, for the time. He confessed that he looked forward to a future time when it would be possible to go further in that direction, but what the First Lord of the Admiralty had just said was certainly of weight, if that arrangement had been come to between the various interests concerned. It was better, perhaps, to be content with a Bill which, if it did not go quite far enough, went, at any rate as far as it did go, in the right direction.

Amendment, by leave, withdrawn.

Clause 62 :—

Drafting Amendments agreed to.

LORD MUSKERRY moved an Amendment to provide for better accommodation for officers in either foreign-going or home-trade vessels. He said that the Amendment he was about

Lord Tweedmouth.

to move ought to appeal to his noble friend who had just spoken of the amenities of the seaman's life. In a great number of vessels the officers were cramped together. A number of their Lordships had been on some of these ships, and knew what it was; but for the benefit of those who had not, he would try and describe what the life was like. There were two men piled in a small berth, one bunk above the other, and if one man wanted to dress or wash, the other man had either to remain in his bunk or go out and take a walk about the deck while that operation was going on. The officers were supposed to be maintaining discipline, and to be responsible people, and the shipowners and the Board of Trade ought to show some regard for their position. In his Amendment he was only asking for 24 square feet. That meant only a space of six feet long and four feet broad, two feet of which would be occupied by the bunk. Was that too much to apportion to a responsible officer on board a ship, who was required by the Board of Trade to be a highly qualified man, and had a great responsibility put upon him. In many cases these unfortunate officers were even berthed with stewards and cooks. He did not know whether he had any chance of dividing the Committee on this question, but if so, he would divide on it at once, because it was a very serious matter. In the great liners it was all right—all the officers had palatial apartments, eight feet square and eight feet high—but it was in the smaller liners and tramps that they were so badly treated. He was speaking from experience. He had seen their berths, and he pressed this Amendment, and hoped that it would be supported.

Amendment moved—

"In page 33, line 10, after the word 'space' to insert the words 'any officer who signs articles of agreement as mate of any grade on either a foreign-going or home-trade vessel shall be entitled to proper and suitable accommodation in a room devoted solely to his own use of a space not less than one hundred and forty-four cubic feet and of not less than twenty-four superficial feet measured on the deck or floor of that space.'"—(*Lord Muskerry.*)

THE EARL OF GRANARD said he had made some inquiries with regard to this question, and the Board of Trade had very few complaints on the subject

of overcrowding. He had also asked the question whether it was a fact that stewards, cooks, and men of that kind virtually shared the berths of what might be called the non-commissioned officers, and he was told that that did not happen. The noble Lord had said that two officers sharing a cabin was subversive of discipline.

LORD MUSKERRY: I did not say it was subversive of discipline; I said it was the way they were treated.

THE EARL OF GRANARD said that was what he had understood the noble Lord to mean. Naturally in a small cabin such as had been referred to both men probably were not in it together. One would probably be on watch.

On Question, Amendment negatived.

*LORD ELLENBOROUGH, in moving an Amendment requiring steamships to be fitted with baths and wash-houses, said he had referred to water being laid on. But it was not necessary in such a case to lay the water on from the galley. A small stove with a boiler above it would be quite sufficient to fit into a washing-place. Then the Amendment left it to the Board of Trade to do as they liked, and perhaps improvements in heating, etc., might be provided by new inventions every few years. It was therefore unnecessary to go through the cumbrous method of passing an Act of Parliament in dealing with such cases; the details might be left entirely to the Board of Trade. He would further point out that only ships of a certain size would come under the provisions of the clause. Sub-section (b) of Section 3 said that no ship of less than 300 tons burthen or fishing boat should come under this Act. Therefore, his Amendment would only apply to vessels of a certain size. It was very difficult to convey an adequate notion of the housing of seamen. The nearest illustration he could give was that of a passenger in a sleeping-car from Calais to Brindisi, a journey of perhaps fifty hours. Let them imagine what life would be if they had to live perpetually in a sleeping car which was often foul and dirty, with wet clothes hanging up to dry in it in bad weather, and they might be able

to form some idea as to how seamen were housed. In addition let them imagine that they would have to take their meals in their sleeping-car, as there would be no comfortable wagon-restaurant and that in addition no washing accommodation would be provided. Passengers could endure the sleeping-car for a short time, but most of them had had enough of it by the time the fifty hours were over and they had reached Brindisi. But what must it be to spend one's whole life under such conditions, while doing hard work, exposed to weather of all sorts, and when sick having to remain the whole time in the sleeping-car? The housing of passengers and of seamen could not be compared as they were on a totally different basis. Passengers had little or no work to do and could remain comparatively dry while seamen came down below weary and wet. Then a passenger had only to endure his discomforts for a short time, while a seaman had to endure them for years, whether well or ill. With regard to cubic space the medical witnesses examined by the Australian Commission were unanimously in favour of 120 cubic feet air space. Out of thirty-one witnesses, only six were in favour of less than 120 cubic feet. The British Labour Commission recommended 140 cubic feet.

Amendment moved—

"In page 33, line 10, after the word 'space' to insert the following new subsection: () All steamships shall be fitted with bathrooms and washing-places to which hot water shall be laid on. The dimensions and fittings of these bathrooms and washing-places shall be such as to enable the whole of one watch of engineers, firemen, and coal-trimmers to clean themselves in one half-hour when coming off watch. The master and seamen shall have access to these bathrooms and washing-places at such specified times as will not interfere with the engineers, firemen, and coal-trimmers coming off watch. All sailing vessels shall have one bathroom or washing-place to which hot water can be laid on. The Board of Trade shall have power to draw up rules and regulations for the measurements, fittings, and use of these bathrooms and washing-places on the above-mentioned basis, and to vary these rules and regulations from time to time as it may think necessary. In page 33, lines 13 and 14, to leave out 'bathrooms or washing-places.' Line 18, after 'apprentice,' to insert as a new subsection: (3) All iron in the quarters occupied by the master or by officers or seamen shall be completely insulated by asbestos, cork varnish, or some similar material in such a manner as to reduce drip, and so as to leave no interstices in which

insects might be able to congregate.”—(*Lord Ellenborough.*)

*THE EARL OF GRANARD said that the noble Lord appeared to have dealt with two Amendments to Clause 62. He was very much afraid the Government would be unable to meet the noble Lord with regard to the question of installing bathrooms in all ships. No doubt the noble Lord had always been accustomed to travelling in big liners, and probably he did not quite realise that in many of the tramp steamers bathrooms would be perfectly impossible. Space was very limited, and every foot of space was a freight-earning item. With regard to the second part of the noble Lord's remarks as to the 120 cubic feet, the Board of Trade was informed that 72 cubic feet of cubic space was quite ample for anybody. Even on some of the first-class liners, at the present moment, the noble Lord would find, if he went out as a first-class passenger anywhere on any ship, all he would be entitled to, as sleeping accommodation, would be 72 feet, and that was what the men were virtually being given under this Bill. The Government had put down 120 cubic feet, because by doing so they hoped to encourage shipowners to provide separate bathrooms and washing rooms for the crew, without unduly curtailing the amount of space allowed in the places where the men slept.

*LORD ELLENBOROUGH said that a passenger was not bound to spend any part of the day in his cabin. He need only go down when he was tired, and could go to sleep any time he chose; and furthermore he need not have wet clothes in his cabin to dry. In most country stables, loose boxes were provided for hunters who were frequently much fatigued and exposed to weather, and stalls for the carriage horses who were more lightly worked. A similar state of things held good as regards seamen and passengers. The two could not be compared. He was first lieutenant for over a year on an Indian troopship, where the soldiers were given much less space than the sailors. It was necessary that the sailors should have a larger space given to them, because they had to stay on board the ship for three years, than was necessary for the soldiers who were only on board for thirty days. There

was no parallel whatever between a passenger and a seaman. The passenger had a large messroom and in some of the Australian boats a music room as well in which to lounge about, and he was only in his berth when he liked. He was very sorry the noble Lord could not do anything towards accepting the 100 cubic feet which he had suggested as a compromise.

*LORD TWEEDMOUTH thought the noble Lord ought to recognise the very large advance made by this Bill in regard to the amount of space allowed to seamen. Under the old rule it was 72 cubic feet for each man, and to increase that to 120 feet was a very great thing. It was only fair to allow the increase in the general accommodation provided to be used in the way most convenient and favourable to the men. The owners themselves would give many of the facilities which the noble Lord thought so desirable for the men.

LORD ELLENBOROUGH said that what he objected to in this compromise was that 120 feet of space were given with one hand, and a great deal of it taken away with the other.

Amendment, by leave, withdrawn.

Clause 62, as amended, agreed to.

Clauses 63, 64, and 65 agreed to.

Drafting Amendments agreed to.

Clauses 66, 67, 68, 69, and 70 agreed to.

LORD MUSKERRY, who had upon the Amendment Paper a new clause to be inserted after Clause 70, providing that under certain conditions no person other than a British subject should be granted a certificate of competency, said that this was practically the clause he brought before their Lordships on the 18th May last. With the present House he did not think it worth his while saying anything on the subject, and he might say the same with regard to the only other Amendment standing in his name. The Government were going to object to both, and he thought he would do well to withdraw them both and to bring them forward at a later stage.

THE CHAIRMAN OF COMMITTEES :
The noble Lord does not move the
Amendment.

LORD MUSKERRY : No.

*LORD ELLENBOROUGH moved to insert a new clause after Clause 70, prohibiting aliens from acting in certain capacities on British ships, except under certain conditions, and imposing sundry penalties for breach thereof. He thought it was an injustice to British seamen that foreign officers should be put in a position of magisterial authority over them. In all the English Merchant Shipping Acts, though it was not specifically mentioned, there appeared to be a sort of underlying idea that the officers and masters in command were all British seamen. They were told that if these clauses were passed there would be retaliation from foreign parts. He did not find that the merchants were at all afraid of that. He had not met a single merchant captain who did not agree with him in thinking that there should not be alien captains. Supposing war broke out, the existence of these alien captains would increase the difficulty of food supply at the commencement of the war. What were an English crew to do with a captain belonging to a belligerent nation? Were they to mutiny? He thought if they were to mutiny it would be a praiseworthy act. If he was in command of a man-of-war and was in the presence of a British merchant ship commanded by an alien belonging to a country at war with us, he would certainly make a prisoner of him unless he had orders to the contrary. That was a difficulty, he thought, which could be settled by a change of law. They might vote large sums of money, but large sums of money were not the only things required to place a country in a state of readiness for war. They must put their ocean traffic in readiness to pass from a condition of peace to a condition of war. He thought that as war was still a possible thing, none but British-born men should command British ships.

Amendment moved—

“To insert the following new clause:—
“(1) If an alien, who cannot bring proof that he has served as master of a British ship for a period of at least three months previous to the

first day of January one thousand nine hundred and seven, leaves a port in the United Kingdom as master of a British ship, he shall be liable on each occasion to a fine of one hundred pounds. (2) If an alien, who cannot bring proof that he has served as master, mate, or second mate of a British ship for a period of at least three months previous to the first day of January one thousand nine hundred and seven, leaves a port in the United Kingdom as mate or second mate of a British ship, he shall be liable on each occasion to a fine of fifty pounds. (3) If an alien, who cannot bring proof that he has served as master of a British ship for a period of at least three months previous to the first day of January one thousand nine hundred and seven, act as master of a British ship out of the United Kingdom for more than six months in any one year, he shall be liable to a fine of one hundred pounds. (4) If an alien, who cannot bring proof that he has served as master, mate, or second mate of a British ship for a period of at least three months previous to the first day of January one thousand nine hundred and seven, act as mate or second mate of a British ship out of the United Kingdom for more than six months in any one year, he shall be liable to a fine of fifty pounds.”—(*Lord Ellenborough.*)

THE EARL OF GRANARD thought it was unnecessary for him to say how fully he sympathised with the noble Lord in his desire that British ships should as far as possible be manned by British seamen and British captains. But when they came to face the actual condition of things at the present moment they found there were really very few alien captains in comparison with the total number of men employed. From the year 1897 to the year 1905, out of 42,000 certificates issued during that time, only 700 were granted to foreigners, and during 1897 only 70 were granted to foreigners. A gradual decrease had taken place since 1897, and he hoped that decrease was still going on. Of course it would be very hard for a shipowner if his ships were out in a place like the Levant; it would be quite unreasonable to force him to employ only English captains, because for his trade it would necessarily be of great use to him to have men who knew the language of the place he traded to. The English were very deficient in that way, and were generally very bad linguists.

*LORD ELLENBOROUGH said the difficulty of bad linguists could always be got over by going back to the old fashion of carrying a supercargo. There was one danger he had not mentioned, and that

was, supposing war broke out between us and a foreign power, and that Power put some of their lieutenants in command of ships nominally British for the purpose of finding out our secrets. Unless, however, the Committee was inclined to support him he would withdraw the Amendment. He did not wish to force the Committee to useless divisions, but he felt very strongly upon this subject.

Amendment, by leave, withdrawn.

Clause 71 agreed to.

Clause 72 :

THE MARQUESS OF SALISBURY said their Lordships would probably agree with him that, at that time of night, it would be rather inconvenient to enter into any controversial subject. He would only say that this was the one clause in the Bill for which the late Government could take no responsibility whatever, because it had been introduced entirely out of the heads of the present Government. It had neither been founded upon Select Committees for the appointment of which the late Government were responsible, nor were its provisions to be found in any Bill which the late Government submitted to Parliament. However, at that time of night it was hardly possible to go into the matter, and all he would say was that with the permission of their Lordships' House he would reserve the remarks he had to offer for some future stage of the Bill.

Clause 72, with drafting Amendments, agreed to.

Clause 73 agreed to.

Clause 74 :—

LORD INVERCLYDE, in moving to leave out Clause 74, said that His Majesty's Government agreed to that course.

THE EARL OF GRANARD said the noble Lord was correct. His Majesty's Government did not intend to go on with this clause.

Clause 74 disagreed to.

Lord Ellenborough.

Drafting Amendments agreed to.

Clauses 76 to 85 agreed to.

First Schedule :—

*THE EARL OF GRANARD proposed in the column headed "Dried or compressed vegetables" to leave out " $\frac{1}{4}$ " wherever it occurred. This was desirable in order to make clear that the allowance of compressed vegetables was like that of condensed milk or dried fruit, a weekly one.

Amendment moved—

"In page 43, in the column headed 'Dried or compressed vegetables,' to leave out " $\frac{1}{4}$ " wherever it occurs."—(*Lord Granard.*)

On Question, Amendment agreed to.

Standing Committee negatived. The Report of Amendments to be received on Friday next, and Bill to be printed as amended (No. 235.)

House adjourned at five minutes before Twelve o'clock till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS.

Tuesday, 11th December, 1906.

The House met at a quarter before Three of the Clock.

PETITIONS.

EDUCATION (ENGLAND AND WALES) BILL.

Petition from Hugglescote, against ; to lie upon the Table.

EDUCATION (ENGLAND AND WALES) BILL (RELIGIOUS TEACHING).

Petition from Liverpool, against alteration of Law ; to lie upon the Table.

SALE OF INTOXICATING LIQUORS ON SUNDAY BILL.

Petitions in favour ; from Nuneaton ; and, Wem ; to lie upon the Table.

RETURNS, REPORTS, ETC.

ARMY.

Copy presented, of Reports on the Sanitary Condition of Piershill Barracks, Edinburgh [by Command]; to lie upon the Table.

SEAMEN'S SAVINGS BANKS (MONEY ORDERS AND TRANSMISSION OF WAGES).

Accounts presented, of all Deposits received and repaid during the year ended 20th November, 1905, and Statement as to Money Orders issued and paid from 1855 to 31st March, 1906, and of Receipts and Payments in connection with the Transmission of Seamen's Wages from 1878 to 31st March, 1906 [by Act]; to lie upon the Table, and to be printed. [No. 374.]

LONDON (EQUALISATION OF RATES) ACT, 1894 (ACCOUNTS UNDER SECTION 1 (7) OF THE ACT).

Return presented, relative thereto [ordered 21st November; Mr. Runciman]; to lie upon the Table, and to be printed. [No. 375.]

TRADE REPORTS (ANNUAL SERIES).

Copy presented, of Diplomatic and Consular Report, Annual Series, No. 3738 [by Command]; to lie upon the Table.

BOARD OF AGRICULTURE AND FISHERIES.

Copy presented, of Report on the Decline in the Agricultural Population of Great Britain, 1881-1906 [by Command]; to lie upon the Table.

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES

Payment of Cunard Subsidy.

MR. BELLAIRS (Lynn Regis): To ask the Secretary to the Admiralty whether the first payments of the Cunard subsidy in respect of the two new liners will fall due next financial year; and what is the anticipated amount in that and following years.

(Answered by Mr. Edmund Robertson.) The first payments will fall due in 1907-8,

and, assuming that the vessels commence their first voyages at the beginning of August and in the middle of December respectively, the amount to be paid in that year will be about £59,000. In following years the payment to be made will be £150,000.

Protection of Devon and Cornwall Fisheries.

MR. MILDMAI (Devonshire, Totnes):

To ask the Secretary to the Admiralty whether he will consider the advisability of shifting the headquarters of H.M.S. "Julia," engaged in the work of protecting the fishing industry on the south-west coast, from Falmouth to Plymouth as the more central point from which to protect the Looe, Plymouth, and Brixham boats.

(Answered by Mr. Edmund Robertson.)

While no doubt Plymouth would be more central for the protection of the Looe, Plymouth, and Brixham boats, Falmouth is found to be the more central place for the Devon and Cornwall fishery work generally.

American Mails and the Fishguard Route.

MR. HENNIKER HEATON (Canterbury): To ask the Postmaster-General if his attention has been directed to the new harbour on the North Pembroke-shire coast at Fishguard; is he aware that the opening of this new harbour makes it possible for the American and other mails to be delivered in London in some six hours less time than is now the case; and is he prepared to take any steps in the direction of securing to the public in the matter of the delivery of incoming mails the advantages which the opening of Fishguard Harbour renders possible.

(Answered by Mr. Sydney Buxton.)

I am fully aware of the recent development of Fishguard Harbour and the possible advantages it offers. I must point out, however, that in most cases the selection of ports of call by home-ward Atlantic liners is not under my control; and that the question of the route for the conveyance of mails landed at Queenstown must be considered from the point of view of the country as a whole, and not of London alone.

New Year's Holidays in Cork Post Office.

MR. A. ROCHE (Cork): To ask the Postmaster-General whether, in view of the fact that the Select Committee on Post Office Servants has not yet presented its report, he will consider it advisable to withhold the arrangements which have already been made at Cork for the holidays of 1907 until the Report is issued.

(Answered by Mr. Sydney Buxton.)

It would be impossible to do as suggested. The holidays in Cork are spread over the whole year, and arrangements must be made this month for the coming year.

Security for Loans to Volunteer Corps.

MR. COURTHOPE (Sussex, Rye): To ask the Secretary to the Treasury whether loans made by the Public Works Commissioners to Volunteer corps for the purpose of erecting drill halls are secured on the capitation grants or on the buildings erected; and whether, if the latter, such loans constitute a mortgage on such buildings.

(Answered by Mr. Secretary Haldane.)

The buildings are included in the security authorised to be given for such loans by The Military Lands Acts, 1892, Sections 5 and 7, and The Military Lands Act, 1897, Section 1. The loan is also upon the security of any grant to the corps out of money provided by Parliament. This includes capitation grants. The loan so secured constitutes a mortgage on the buildings and on the land on which the buildings are erected.

Retiring Allowances to Clerks to Inspectors of Taxes.

MR. SLOAN (Belfast, S.): To ask the Secretary to the Treasury whether he is aware that a clerk to an inspector of taxes has been compelled to retire on attaining the age of sixty-two years; is he aware that he served thirty-nine years in the Department, and only received a gratuity of £78 on retirement; and whether, seeing that writers with less service and doing less confidential work, receive £100 gratuity, he will reconsider the case of such clerk with a view to granting him further assistance.

(Answered by Mr. Runciman.) The hon. Member has stated the facts correctly. The position of the writers referred to is different, because they are directly employed in the public service and are entitled, under a Treasury Minute of 1886, to certain stated gratuities, while the clerks to the inspectors of taxes are in the personal employment of those inspectors, and have, strictly speaking, no claim to any gratuity whatever. I see no reason, therefore, for reconsidering this case.

Position of Clerks to Surveyors of Taxes.

MR. SLOAN: To ask the Secretary to the Treasury whether, in view of the fact that the opposition of the Treasury to placing the clerks to surveyors of taxes on the establishment is stated to be that the present system is preferred, not only on the grounds of economy, but also for adaption to the requirements of localities, he is aware that the present system grades the clerks in seven classes; that promotion to a higher class invariably means moving to other localities, precisely the same as it would under establishment; and will he state what obstacle there is to placing on the establishment clerks of approved service and ability, on the existing classification and rates of pay

(Answered by Mr. Runciman.) I fear it is not possible to discuss this subject fully within the limits of a reply to a Question; and I can only say that, after full consideration of the matter on more than one occasion, the Treasury and the Board of Inland Revenue are satisfied that the balance of advantage lies on the side of the existing system.

Supplying of Seamen to British Ships at Hamburg.

MR. HAVELOCK WILSON (Middlesbrough): To ask the President of the Board of Trade, whether he is aware of the discontent existing amongst the British seamen at the port of Hamburg owing to the fact that certain shipping masters, who are recognised by His Majesty's Consul at that port, refuse to give employment to British seamen on British vessels requiring men; whether he is aware that the whole supplying of seamen to British ships is in the hands

of the so-called shipping masters, and that those shipping masters refuse to accept Britishers because they object to paying shipping fees to obtain berths; and whether he will make inquiries with regard to this matter.

(Answered by Mr. Lloyd-George.) Complaints have reached the Board of Trade that British seamen at Hamburg have found difficulty in obtaining employment on British vessels there, and I am aware that the difficulty has been attributed to the action of the local shipping masters. The shipping masters are in no way connected with or under the control of His Majesty's Consul-General at Hamburg, who, I am assured, gives British seamen every assistance in his power to secure engagement, and I would point out that the selection of a crew rests with the master of the ship. I hope that the provisions of Clause 13 of the Merchant Shipping Bill now before Parliament, which prohibits the engagement, in the British Islands or on the Continent of Europe between the Elbe and Brest, of seamen who do not possess a sufficient knowledge of the English language to understand necessary orders, may, if the clause becomes law, to some extent, at all events, meet the case.

Treatment of Seamen on S.S. "Madawaska."

MR. HAVELOCK WILSON: To ask the President of the Board of Trade whether his attention has been called to the drowning of a seaman from the British s.s. "Madawaska" at Galveston, Texas; whether he is aware that the seaman in question was handcuffed and locked out in the chart room and, after the vessel left the port of Galveston, this man was missing from the chart room, and his body was picked up in the water with the handcuffs upon him; whether any inquiries have been made by the Board of Trade with regard to this matter; and whether any other complaint has reached the Board of Trade with regard to the master of the "Madawaska" placing men in custody in irons on board of the ship on previous voyages.

(Answered by Mr. Lloyd-George.): My attention has been called to the disap-

pearance of a seaman from the "Madawaska" at Galveston, and inquiry has been made into the matter. The facts of the case appear to be as stated in the Question. The seaman had attempted to desert, and, having been brought back to the ship by the police, was handcuffed and locked up to prevent his repeating the attempt. No other complaint appears to have reached the Board of Trade with regard to the master of the vessel placing men in irons.

Education Grants—Training Colleges.

SIR WILLIAM ANSON (Oxford University): To ask the President of the Board of Education whether, under the regulations of the Board as to grants in aid of the cost of building and sites of training colleges, grants can be made for the building or purchase of hostels in connection with existing colleges; and whether, if the regulations are not so framed as to enable local authorities to avail themselves in this manner of existing training college accommodation, he will consider the desirability of amending the regulations so as to effect this object.

(Answered by Mr. Birrell.) The Answer to the first paragraph is in the negative, and to the second paragraph that the matter is receiving careful consideration as to how far it will be expedient to allow building grants in respect of hostels to be provided by local authorities for students in attendance at certain kinds of training colleges.

Gun Licences in the Ballymacarberry District.

MR. POWER (Waterford, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can state on what grounds Mr. Orr, R.M., persistently refuses licences to carry firearms to farmers in the Ballymacarberry petty sessions district of the county Waterford for the protection of their crops, though some parts of the district are infested by rabbits.

(Answered by Mr. Bryce.) I understand that Mr. Orr, R.M., is at present absent from the country on leave. I shall not, therefore, be in a position to obtain his

observations on this Question for some little time.

Ireland and the Ground Game Act, 1880.

MR. POWER: To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will consider the advisability of extending the provisions of The Ground Game Act, 1880, to Ireland.

(Answered by Mr. Bryce.) The Ground Game Act 1880, extends to Ireland.

QUESTIONS IN THE HOUSE.

Navy Carpenter Warrant Officers.

MR. BRAMSDON (Portsmouth): I beg to ask the Secretary to the Admiralty whether their Lordships have come to any decision with reference to the question of dispensing with carpenter warrant officers in the Royal Navy, as recommended by the Douglas Report, or whether the matter is under consideration.

THE SECRETARY TO THE ADMIRALTY (MR. EDMUND ROBERTSON, Dundee): The matter is still under consideration.

MR. JENKINS (Chatham): Will the House have an opportunity of considering this matter after it has been dealt with by their Lordships?

MR. EDMUND ROBERTSON: Oh, yes.

German Battleships—Corrected Answer.

MR. MITCHELL-THOMSON (Lanarkshire, N.W.): I beg to ask the Secretary to the Admiralty whether he is aware that in the Official Reports of Parliamentary Proceedings for 14th November he is reported to have stated that only five German battleships have been laid down or are projected for the period 1905-7, inclusive, whereas the number given should have been six; and whether he will cause an amended Answer to be circulated.

MR. EDMUND ROBERTSON: The error mentioned was due to a slip of the pen in the original Answer. It was corrected in a letter to the hon. Member who put the Question, which appeared in the

Press early in August. As the Answer was not printed in *The Parliamentary Debates* at the usual time, I anticipated that no report would be printed, and that no further correction was necessary. I am informed by the official reporter, however, that by the personal intervention of the hon. Member for King's Lynn—who put the Question in the first instance—some three months after he had received my correction, the belated and inaccurate report was actually printed on 14th November, without reference to me. Under the circumstances I do not see that any further notice is necessary.

H.M.S. "Montagu."

MR. MITCHELL-THOMSON: I beg to ask the Secretary to the Admiralty whether the "Montagu" should now be deducted from the number of British battleships laid down for the period 1895-9, which has been stated by the Admiralty to be nineteen.

MR. EDMUND ROBERTSON: The figures in question give the number of ships laid down during the period 1895-1899, and I am unable to see that the loss of the "Montagu" alters the fact that she was one of the ships laid down in that period.

Officers' Certificates of Sobriety.

MR. BELLAIRS (Lynn Regis): I beg to ask the Secretary to the Admiralty whether the Admiralty propose to continue the regulation forcing captains of ships to give certificates of sobriety to the officers under them; and whether the Admiralty have considered the advisability of presuming that all naval officers conduct themselves with sobriety unless the contrary is proved by such misconduct.

MR. EDMUND ROBERTSON: Article 812 of the King's Regulations and Admiralty Instructions requires every commanding officer to give a certificate as to the conduct of officers serving under him; and the Admiralty see no reason why the certificate should not, as at present, include a statement as to sobriety.

Tenders for Warship Construction.

MR. BELLAIRS: I beg to ask the Secretary to the Admiralty whether it has not been the established custom to

secure competitive tenders for the construction of warships from firms whose premises have been declared suitable, and whose financial position is satisfactory; and whether, in the case of the three cruisers of the "Invincible" class, this custom was departed from and three firms selected for contracts of several millions sterling, without any opportunity being given to other firms to tender.

MR. EDMUND ROBERTSON: This question was settled by the late Board.

MR. BELLAIRS: Is there any continuity of policy?

MR. EDMUND ROBERTSON: I am not responsible for the action of the late Board.

MR. BELLAIRS: But are not the same Sea Lords at the Admiralty.

MR. EDMUND ROBERTSON: The hon. Member can answer that for himself.

MR. JENKINS asked if contractors to the Government could complete the ships in the yards or places where they are built?

MR. EDMUND ROBERTSON asked for notice.

Ship Joiners' Wages.

MR. W. T. WILSON (Lancashire, Westhoughton): I beg to ask the Secretary to the Admiralty whether he is aware of the fact that shipjoiners working in the Royal dockyards are on the average paid 33s. 6d. per week, whilst in private shipyards for doing the same class of work they are paid at the rate of 38s. 6d. per week; and whether he can see his way to grant such an increase of wages to them as will bring their wages nearer to the standard rate of wages paid in private yards.

*MR. EDMUND ROBERTSON: The Admiralty are of opinion that the rates now paid to joiners represent the wages which would be paid for the same class of labour by a good employer in the several districts in which the yards are situated. If the hon. Member will refer to the Standard Time Rates of Wages issued by the Board of Trade (Cd. 3245) he will see that the rate paid in the Royal dock-

yards (8½d. per hour) compares favourably with the rates in force in the private trade. The difference in the total weekly earnings is due to the fact that the Dockyard week is 48 hours, while in the private trade it is 53 or 54 hours.

Naval Courts Martial.

MR. SWIFT MACNEILL (Donegal, S.): I beg to ask the Secretary to the Admiralty whether the powers of the Board of Admiralty, with reference to the review or revision of the proceedings and sentences of the recent courts martial, extend not merely to the cancelling or reduction of sentences, but to the expression of opinion in the case of findings or of sentences which seem under all the circumstances to be unsatisfactory; are there any instances of expressions of opinion on the part of the Board of the unsatisfactory character of findings of courts martial or of sentences, and of action taken by the Board in consequence.

MR. EDMUND ROBERTSON: The powers of the Admiralty in relation to courts martial are defined by Section 53 of the Naval Discipline Act. As regards the second part of the Question, there have been several occasions on which the Admiralty have criticised the findings of a Court.

MR. SWIFT MACNEILL: I beg to ask the Secretary to the Admiralty whether the memorandum of the Board of Admiralty, whose issue with reference to the recent courts martial at Portsmouth has been promised, will be the work of the Naval Lords, who do not vacate office with a change of administration, or will likewise be the work of the First Lord of the Admiralty and of the Civil Lord; whether the Secretary to the Admiralty is himself a member of the Board of Admiralty, and has he a consultative voice, as of right, at Board meetings; whether the First Lord of the Admiralty has a supreme authority at the Board of Admiralty or a mere co-ordinate authority, and, in the event of differences of opinion arising between him and the Naval Lords with reference to the terms and conclusions of the memorandum, is his opinion controlling and decisive; and on whom will the responsibility to Parliament and the

liability to Parliamentary criticism appertain for this memorandum, and will it be published before the prorogation of Parliament.

MR. EDMUND ROBERTSON: Admiralty Minutes issued in the name of the Board are the work of the Board collectively, including the secretaries. The position of the First Lord in relation to Parliament and to his colleagues is defined by Order in Council of the 10th August, 1904.

MR. SWIFT MACNEILL: But surely the First Lord is supreme. He is responsible to this House, and his opinion should prevail over that of his colleagues.

MR. SWIFT MACNEILL: I beg to ask the Secretary to the Admiralty whether the Board of Admiralty, in considering the memorandum with reference to the naval courts martial, will have regard to the fact that nine stokers were sentenced to terms of imprisonment, amounting in the aggregate to nine years, seven months, and eleven days, in consequence of a disturbance originating by the giving of the on-the-knee order, which is not permissible if given as a punishment, but which is permissible as a disciplinary measure; and whether, owing to the difficulty of making a distinction between a punishment and a disciplinary measure, the Board will consider the propriety of the abolition of the on-the-knee order in all cases except for the purposes of instruction or drill.

I beg also to ask the Secretary to the Admiralty whether he is aware that the on-the-knee order, formerly given to delinquents at the Bar of the House of Commons, was abolished by a Standing Order of this House so far back as 1772; and whether the Board of Admiralty will consider the propriety of incorporating a similar order in the King's Naval Regulations.

MR. EDMUND ROBERTSON: Both these Questions raise points which will be dealt with in the Admiralty Minute, the contents of which I am unable to anticipate.

MR. JOHN WARD (Stoke-on-Trent): May I ask whether, in view of the unsatisfactory decisions of naval courts

martial, the right hon. Gentleman will consider the advisability of introducing a civil legal element?

*MR. SPEAKER: Notice should be given of such a Question.

Brigade Majors of Volunteers.

MR. AINSWORTH (Argyllshire): I beg to ask the Secretary of State for War whether, in view of the increased duties and expenses falling on brigade majors of Volunteer brigades under the new scheme, he will consider the advisability of increasing the remuneration, especially when the duties extend over a large district and the brigade includes a large number of battalions.

THE SECRETARY OF STATE FOR WAR (MR. HALDANE, Haddington): There is no intention of making any alteration. The remuneration is not regarded as pay but as a grant to cover all out-of-pocket expenses so as to ensure that an officer taking one of these posts shall not be a loser by it. The general officers commanding have been asked to furnish reports on the working of the present system early in the new year.

AN HON. MEMBER: Will the right hon. Gentleman take into consideration the question of camp, travelling, and forage allowances for adjutants serving under the same conditions?

MR. HALDANE: The question will come up for consideration.

Volunteer Camps.

MR. WALSH (Lancashire, Ince): I beg to ask the Secretary of State for War whether, having regard to the approach of the season in which Volunteer recruiting is most effective, he will permit those Volunteer battalions, who have hitherto taken the fifteen days training, to continue the same for the ensuing year.

MR. HALDANE: I would refer the hon. Member to the reply I gave on the 21st ultimo to my hon. friend the Member for East Edinburgh,† to which I have nothing to add.

Industrial Instruction for Soldiers.

MR. CLYNES (Manchester, N.E.): I beg to ask the Secretary of State for

† See (4) *Debates*, clxv., 814.

War whether the circular sent to general officers on the subject of instructing soldiers, with a view to their acquiring skill to fit them for various trades and occupations in civil life, will be issued as a Parliamentary Paper; whether he will, by recommendation or otherwise, take steps to prevent the employment of ex-soldiers at less than the standard rates in the particular trades; and whether he will announce his decision respecting the issue of certificates of trade proficiency when such decision is arrived at.

MR. HALDANE: The Answer to the first and third parts of my hon. friend's Question is in the affirmative. The point raised in the second part of the Question will not be lost sight of.

Cavalry Stations in Scotland

MR. MORTON (Sutherland): I beg to ask the Secretary of State for War whether he has considered the claims of Stirling to be a cavalry centre, in view of the impossibility of extending the inadequate accommodation at Piershill and Maryhill, and of the circumstance that the country around Stirling affords facilities for military training, and that already Stirling is a military centre midway between Edinburgh, Glasgow, and Dundee, with complete connections by land and water.

MR. HALDANE: I am well aware of the claims of Stirling to be a cavalry station, but I am none the less obliged to my hon. friend for so emphatically reminding me of them.

Fort St. George—Punkahs for Troops.

*CAPTAIN FABER (Hampshire, Andover): I beg to ask the Secretary of State for India whether the native babus in the Madras secretariat office have electric punkah fans, whereas the British troops serving in the same fort, Fort St. George, have no punkahs at all between 1st September and 1st April, and when they do have them are only allowed coolie-pulled punkahs which give little or no relief; and whether he will see that this difference of treatment is rectified.

THE SECRETARY OF STATE FOR INDIA (MR. MORLEY, Montrose Burghs): The provision of electric punkahs in barracks and military build-

ings was begun in 1903, and, if continued on the lines originally contemplated, will lead to the provision of electric punkahs for the British troops at Fort St. George, if they have not already been provided.

Indian Schools and Temperance Teaching.

MR. HERBERT ROBERTS (Denbighshire, W.): I beg to ask the Secretary of State for India whether representations have been made to the Government of Bengal and other provincial Governments in favour of the inclusion of temperance in the curriculum of schools; and whether he can state what reply has been given to these representations.

MR. MORLEY: I am not aware what action, if any, has been taken in this matter, but I will inquire.

Arbuthnot & Company's Affairs.

MR. HERBERT ROBERTS: I beg to ask the Secretary of State for India whether his attention has been drawn to a petition of the Mahajana Sabha, of Madras, praying the Government of India to constitute a special board to realise the assets of the late firm of Arbuthnot & Company; and whether, looking to the distress occasioned by this failure and the inadequacy of the existing law to deal with such a case, he will advise the Government of India to initiate legislation to protect the interests of the thousands of small depositors whose savings, amounting to about four crores of rupees, are involved in the present crisis.

MR. MORLEY: I have seen the memorial referred to. I am advised that the statute provides for the appointment by the Court of special assignees, and also empowers the creditors to apply to the Court for the appointment of assignees to be elected by them. I understand that this course would answer the purposes which the memorialists have in view, and I have no doubt that the question whether it should be adopted has been, or will be, placed before the Court by the parties interested and carefully considered by the Court. I see no reason for special measures for the purpose of taking the matter out of the Court's jurisdiction.

*MR. REES (Montgomery Boroughs), asked whether the right hon. Gentleman

was aware that the distress occasioned by this failure was very widespread and exceptional, and that if he could see his way to take any action in the direction indicated by his hon. friend, or to associate the Government with the bankruptcy proceedings it would have a good effect in restoring confidence in Southern India.

MR. MORLEY said he was giving his attention to all the circumstances connected with this unfortunate failure, but he doubted very much whether he could assent to the course proposed.

Indian Factory Inspection.

SIR CHARLES SCHWANN (Manchester, N.): I beg to ask the Secretary of State for India whether he will consider the advisability of appointing as a colleague to Sir Hamilton Smith in his inquiries into Indian factories an Indian gentleman experienced in the conditions of Indian mill labour.

MR. MORLEY: The object of Sir Hamilton Freer Smith's mission is to bring to bear on the management of Indian factories the knowledge and experience gained by him in the administration of the English factory law. I do not propose to associate any colleague with him; but he will have every facility for ascertaining and reporting on the views of Indian gentlemen, to which I am confident he will attach due weight.

Indian Frontier Defence.

SIR CHARLES SCHWANN: I beg to ask the Secretary of State for India whether His Majesty's Government is aware that, in connection with Viscount Kitchener's scheme for extensive redistribution of garrisons and forces on and beyond our Indian frontiers, due northward from the Peshawar, Hoti-Murdan line, it is intended to strengthen the fortifications of Chitral and other defences on the mountainous routes beyond, leading to Gilgit and the Pamirs; that these proposed extensions purport to be prompted by alleged rumours of some Russian railway being designed to be taken through the defiles of the Hindu Kush; and that General Barrow proceeded with the recent annual reliefs to Chitral, being deputed to report to the Commander-in-Chief on the measures to carry out the proposed extensions of military preparation in these

remote regions beyond the borders of British India; what, if any, of the proposals included in draft redistribution scheme (drafted early in 1904) sanctioned, apparently, by the then Secretary of State in Council, for establishment of outposts or military stations in the tribal territories outside the statutory borders of British India or the external frontiers of His Majesty's Indian possessions are still under consideration; and (amongst others) is the proposal for establishment of a cantonment at or near Torseppah, in the mountainous country above Ali Musjid, definitively abandoned.

MR. MORLEY: I know of no intention to strengthen the defences of Chitral or of the mountainous routes beyond leading to Gilgit and the Pamirs. Chitral is for military purposes included in the Peshawar divisional command and General Barrow visited it on inspection duty. No outposts or military stations in tribal territories outside the statutory border of British India or the external frontiers of His Majesty's Indian possessions are contemplated. As I stated in the House last month a proposal for placing a permanent cantonment at or near Torseppah has, as I believe, been abandoned.

Industrial Survey of India.

MR. NUTTALL (Lancashire, Stretford): I beg to ask the Secretary of State for India whether his attention has been drawn to the Report of the Indian Industrial Conference, held at Benares last Christmas, and to the plea for an industrial survey on the lines pressed on the Government by Dr. Forbes Watson in 1872, and supported by Sir Louis Mallet; and whether, looking to the fact that the need for such a survey for the industrial development of India was recognised by the Government in 1888, by the Committee on Industrial Education, and by the Member for Commerce and Industry in the Viceregal Council last March, he will cause early steps to be taken so that accurate information as to industrial products and means of production may be made readily available to agriculturists, manufacturers, and men of business generally.

MR. MORLEY: I have seen the Paper read before the Indian Industrial Conference in which the need for an industrial survey of India was urged.

As the hon. Member is aware, the proposal has received the general approval of the Government of India, and the local governments have been urged to make a survey of the state of indigenous industries within their territories. I trust that this may result in the collection of much valuable information.

West African Concessions and Native Rights.

*SIR CHARLES DILKE: (Gloucestershire, Forest of Dean): I beg to ask the Under-Secretary of State for the Colonies whether, having regard to repeated assurances given by the Colonial Office as to the maintenance of the rights of natives to land, property, and freedom of labour, and to the fears expressed by many Members that these may be violated by recent or future concessions and grants of trading rights in West Africa and elsewhere, the Secretary of State will lay down publicly general minimum conditions respecting the issue of territorial leases by governors or administrators, upon which alone the Secretary of State can approve such leases or allow them to be made.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (MR. CHURCHILL, Manchester, N.W.): In West Africa there is very little land at the disposal of the Government, but the land generally is in the ownership of native chiefs or tribes. Laws have been passed in each Colony regulating the grant of rights over land by natives; and it may be observed that the effect of these laws was to render invalid a great part of the concessions by native chiefs in Sierra Leone which have recently attracted attention. In East Africa where all land is held to be Crown land, there are provisions in the Crown Lands Ordinance governing the grant of leases of Crown lands by which the rights of natives are protected; and there are similar provisions in the Uganda Ordinance, although there the land at the disposal of the Crown is limited. Having regard to the laws already in force in East and West Africa, it does not seem necessary to lay down any fresh conditions respecting the issue of leases by Government.

*SIR CHARLES DILKE: Perhaps my hon. friend will consider the recent concessions in the Pacific Islands as showing

the necessity for a wider extension of the principles.

MR. CHURCHILL: Yes, Sir, and if my right hon. friend will speak to me on the subject I will see that his points are brought to the notice of the Secretary of State.

Gambling in the Malay States.

MR. CLAUDE HAY (Shoreditch, Hoxton): I beg to ask the Under-Secretary of State for the Colonies whether he will lay the enactments and proclamations by which the Government of the Federated Malay States prohibit gambling in certain districts of the Federated Malay States upon the Table of this House.

MR. CHURCHILL: The enactments and proclamations will be placed in the Library of this House as soon as received.

MR. CLAUDE HAY: I beg to ask the Under-Secretary of State for the Colonies whether he will state the dates upon which the leases of the gambling farms in the Federated Malay States terminate, and why gambling should be forbidden in the non-mining districts and permitted in the mining districts; and whether he will state when the prohibition of gambling will be extended throughout the Federated Malay States.

MR. CHURCHILL: The leases of different farms expire at different dates, and I cannot give any full or exact figures at present. I explained to the House on 3rd December,† in reply to the hon. Member for Renfrewshire, the position adopted by His Majesty's Government in this Question, and the reasons which have influenced them. I shall be glad to send the hon. Member a copy of that Answer if he desires it.

British Guiana.

SIR WILLIAM BULL (Hammer-smith): I beg to ask the Under-Secretary of State for the Colonies if it is proposed to present further Papers on British Guiana.

MR. CHURCHILL: No, Sir, not at present.

Development of British Guiana.

MR. J. WARD: I beg to ask the Under-Secretary of State for the

† See (4) *Debates*, clxvi., 580-582.

Colonies if he can state what measures have been adopted in British Guiana to improve the condition of the labouring classes; and whether, in view of the recent strike disturbances, he will consider the expediency of placing the Crown lands within the easy reach of the working population, and so encourage the general development of the Colony.

MR. CHURCHILL: In view of the agitation that occurred last year in Georgetown, the Governor of British Guiana in March last appointed a representative Commission to inquire into the best means of inducing the unemployed in the Colony and those who have not the means to obtain land in the ordinary way, to settle upon the land and ultimately to acquire ownership in it. The Colonial Government have recently voted funds for carrying out experimentally the proposals of that Commission. The Secretary of State is advised that every facility is given to those desirous of obtaining Crown lands by purchase, and that no amendment of the existing Crown Land Regulations is necessary to enable the working population to obtain such lands on reasonable terms.

Persian Frontier Delimitation.

MR. BOWLES (Lambeth, Norwood): I beg to ask the Secretary of State for Foreign Affairs whether the frontier line between Persia and Turkey, extending some 700 miles from Mount Ararat to the head of the Persian Gulf and between twenty and forty miles in breadth, which was the subject of an understanding between England and Russia in 1865, and as to which an identical map was delivered by England and Russia to the Governments of Persia and Turkey, has yet been settled; whether, since 1865, any further steps have been taken to mark the frontier line within that region; and whether His Majesty's Government consider that the time has now arrived when representations might properly be made to the two Governments concerned with a view to a final settlement of the question.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir EDWARD GREY, Northumberland, Berwick): The Answer to the first Question is in the negative. The Answer to the second Question is in the affirmative, and I have

to refer the hon. Member to Article 60 of the Treaty of Berlin, and to the Convention between Turkey and Persia signed at Constantinople on August 3rd, 1869 (*see* Hertslet's Persian Treaties, 1891). Since 1869 and 1870, when maps of the frontier zone, twenty to fifty miles broad, were communicated to the Ottoman and Persian Governments respectively, several attempts have been made to reach an agreement in regard to the whole frontier, and a Commission of British, Russian, Turkish and Persian delegates discussed the subject in 1875-1876, but no final arrangement has been reached. A Turco-Persian Commission is shortly to meet to endeavour to arrive at an agreement in regard to the districts of Vazné and Lahidjan. It is already known that His Majesty's Government, in concert with the Russian Government, would be willing to facilitate the progress of the negotiations, if it was necessary and desired by those who are interested.

MR. BOWLES inquired if there was any objection to placing in the Library a copy of the map and any correspondence necessary to elucidate it?

SIR EDWARD GREY suggested that the hon. Member should confer with him privately.

Embassy Chapels Abroad.

MR. BOTTOMLEY (Hackney, S.): I beg to ask the Secretary of State for Foreign Affairs whether it is the universal custom in British Embassy chapels in foreign countries, other than in Turkey, that prayers are offered up for the ruling sovereigns: and, if so, what is the reason for the exception in the case of His Imperial Majesty the Sultan of Turkey.

SIR EDWARD GREY: The question of offering up prayers for the ruling sovereigns is a part of the spiritual administration of British Embassy chapels and is left to the discretion of the chaplain in each case. (Regulation 13, Act 6, George IV, cap. 87.) I have, therefore, not inquired into what the existing practice may be in any of the chapels.

MR. BOTTOMLEY asked whether he was to understand that it was left entirely to the discretion of the chaplain as to what sovereign he was to pray for at the expense of the nation.

SIR EDWARD GREY said it was left to his discretion. High ecclesiastical authorities were, he reminded the hon. Member often very reluctant to interfere in a question of ritual, and he had no intention of rushing in where high ecclesiastical authorities feared to tread.

Bucharest Consul's Report.

MR. BOTTOMLEY: I beg to ask the Secretary of State for Foreign Affairs if he will state the date of the last Consular Report issued by the British Consul at Bucharest.

SIR EDWARD GREY: There has been, up to the present, no British Consular officer at Bucharest, except the translator to His Majesty's Legation, who had the rank of Vice-Consul, and the reports on the trade and commerce of Roumania have been hitherto furnished by His Majesty's Consul-General at Galatz. The last Report, for the year 1905, was issued early in June of the present year, (3618, Annual Series). A British Consulate has now been established at Bucharest, and Reports will in future be furnished by His Majesty's Consul at that capital.

Hague Conference.

*MR. BELLAIRS: I beg to ask the Secretary of State for Foreign Affairs whether the date of the next Hague Conference has yet been settled; and whether the Powers have agreed to include the question of disarmament or the arrest of armaments in the discussions of the Conference.

SIR EDWARD GREY: His Majesty's Government have not yet learned that any date has been settled for the meeting of this Conference. With regard to the latter part of the Question, I have nothing at present to add to the Answer given by the Prime Minister to the hon. Member for North Salford on 9th April last,† and to my own statement in the House of Commons on the 9th of May, which explain the attitude of His Majesty's Government.

*MR. BELLAIRS: Is the right hon. Gentleman aware that the proposed increase of the Japanese and American Navy Estimates has been the only out-

come of our example to the Peace Conference?

[No Answer was returned.]

The Karajovo Massacres.

MR. WEDGWOOD (Newcastle-under-Lyme): I beg to ask the Secretary of State for Foreign Affairs whether he will cause inquiries to be made into the credibility of the statement that, during the massacre and incendiarism at Karajovo, the Turkish troops quartered in the neighbouring villages neither saw nor heard anything of what was going on; and whether the military greatly exceeds the civil expenditure in Macedonia, and is therefore mainly responsible for the deficit in the Macedonian Budget, which it is proposed to defray out of new revenues to be derived from increased customs duties.

SIR EDWARD GREY: The statement is taken from the report of a gendarmerie officer. I do not see how any better information can be obtained. His Majesty's Government have already made strong representations to the Turkish Government urging the suppression of Greek bands. As regards the second part of the Question, it is true that the military exceeds the civil expenditure in the Macedonian vilayets. But both have been increased, the latter to a greater extent than the former, so that it cannot be said that the military expenditure is solely responsible for the deficit in the Budget.

Increase of the Japanese Army.

MR. LYNCH (Yorkshire, W.R., Ripon): I beg to ask the Secretary of State for Foreign Affairs whether he has received any official information showing that the strength of the Japanese army is to be increased by nearly 50 per cent; and, if so, whether he can give the House any information as to the causes which have prompted this step.

SIR EDWARD GREY: I have received no official information in the sense indicated in the hon. Member's Question. The matter is not one on which any other Power could make public statements, as it concerns the Japanese Government.

† See (4) *Debates*, clv., 984.

Peers and Income Tax.

DR. HAZEL (West Bromwich): I beg to ask Mr. Chancellor of the Exchequer whether he will consider the advisability of proposing a substantial tax on all holders of hereditary titles, to be graduated according to the rank of such holders, together with a surtax on all those holders of such titles who receive a writ of summons to Parliament.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fifehire, E.): This, like all other suggestions for tapping new reservoirs of revenue, shall receive my consideration.

Income-Tax—Rebates for Families.

MR. WEDGWOOD: I beg to ask Mr. Chancellor of the Exchequer whether, in view of the principle that the Income Tax is based upon ability to pay, he will arrange in future graduations of the Tax to carry out this principle more thoroughly by granting special rebates for large families.

MR. ASQUITH: I am afraid I can add nothing to the reply which I gave to my hon. friend upon this subject on the 4th instant.†

Powers of Chief Constables.

*CAPTAIN FABER: I beg to ask the Secretary of State for the Home Department whether, considering that a chief constable can at present dismiss any constable without appeal within a few weeks of his pension, even upon mistaken information, he will consider the advisability of any constable being allowed to appeal to quarter sessions, provided that such a man has served over three-quarters of the time necessary for pension.

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): I have no reason for thinking any amendment of the law in the sense suggested by the hon. Member is desirable. No case is known at the Home Office of any constable being dismissed by a chief constable within a few weeks of becoming due for pension. There seems on the contrary some reason to fear that chief constables may be sometimes tempted to deal too leniently

with misconduct on the part of their men when the offenders have served nearly long enough for pension.

Chinese Settlers in Liverpool.

MR. WILLIAM RUTHERFORD (Liverpool, West Derby): I beg to ask the Secretary of State for the Home Department whether his attention has been called to the recent increase in the number of Chinese settled in Liverpool and Birkenhead; whether he is aware that there are some seventy Chinese laundries in Liverpool and Birkenhead; will he say whether the Chinese who work in these laundries have brought with them any Chinese women; whether he is aware that these Chinese maintain a number of opium and gambling dens which are the resort of the Chinese sailors and firemen who come into the Mersey on certain lines of steamers; and whether he proposes to take any, and, if any, what, action in the matter.

*MR. GLADSTONE: I understand that there has been some increase in the number of Chinese settled in Liverpool but none in Birkenhead. There are altogether sixty-three Chinese laundries in the two places. It is not the practice of the Chinamen who resort to Liverpool and Birkenhead to bring women with them. As regards the last part of the Question I am informed that, since the cases to which I referred in my reply to the hon. Member on the 5th April last,† the police, though they have kept strict watch, have not been able to get evidence on which proceedings under the Gaming Acts could be instituted. In the circumstances there is no action that I can take.

Houldsworth Pit Accident.

MR. CLYNES: I beg to ask the Secretary of State for the Home Department whether his attention has been called to the inquiry into the causes of the accident at Houldsworth coal pit, in the parish of Dalrymple, whereby two men lost their lives; whether he has received any report on the defects in the machinery, as disclosed in the evidence, and on the fact that the man in charge of the engine had worked thirteen hours when the machinery failed to act properly; and whether he can take any steps to prevent excessive

† See (4) *Debates*, clxvi., 748-9.

† See (4) *Debates*, clv., 330.

hours of work in the case of such men having the lives of others in their charge.

*MR. GLADSTONE: Yes, Sir. I have received a Report on the proceedings at the inquiry into this accident, which I greatly regret to hear of. I am informed that no defects in the machinery were disclosed at the inquiry. The cause of the accident was not definitely ascertained, but the engineman attributed it to an unavoidable flow of water from the boiler into the engine. As to the hours worked, I understand that the engineman had been thirteen hours on duty during the night, but I am not informed how much of that time he was actually at work. The hours of the shifts is a matter of arrangement among the men—the work at night is usually very much lighter than the work during the day. The question of winding accidents and their causes is now before the Royal Commission on Mining. I have called their attention to this case.

Cruelty to Children.—Halesowen Prosecution.

MR. J. WARD: I beg to ask the Secretary of State for the Home Department whether his attention has been called to a case tried at Halesowen police court on 27th November last, in which a man was charged with flogging and ill-treating a little girl named Emma Turner, who was under his care; whether he is aware that the evidence showed a long list of extremely cruel acts committed on a defenceless infant; and whether, in view of the fine of £4 inflicted by the magistrate, he proposes to take any action to enable more severe penalties to be inflicted in such cases.

*MR. GLADSTONE: My attention having been called to this case by the hon. Member's Question, I have obtained a copy of the notes of evidence, and I find that the child was subjected to what seems to me cruel and excessive punishment; but the justices inform me that in inflicting only a fine of £4 on the defendant they took into consideration the fact that the child whom he had taken into his family out of kindness, had committed repeated acts of dishonesty, that the defendant held a good character, and had a wife and family dependent upon his weekly earnings, who would

have no means of support if he had been committed to prison. The maximum penalty for the offence is six months imprisonment or a fine of £25; but, subject to that maximum, it is for the justices to determine in their discretion what penalty should be inflicted in each individual case, having regard to the circumstances. I have no power to interfere in the direction of increasing penalties with the discretion of the justices.

Colonial Railways.

MR. THOMAS O'DONNELL (Kerry, W.): I beg to ask the President of the Board of Trade whether he will state the British Colonies in which railways are managed by the State; the total mileage, original capital, and annual revenue of the State railways in each of those Colonies; the average earning per train mile in the Colonies where there is State management; the average earning per train mile in England, Ireland, and Scotland; the percentage of revenue that goes to shareholders in England, Scotland, and Ireland; and in Colonies where railways are State-owned the percentage which is free for State purposes.

THE PRESIDENT OF THE BOARD OF TRADE (MR. LLOYD-GEORGE, Carnarvon Boroughs): On the 7th instant I had forwarded to the hon. Member a copy of the Return granted on the 13th November, on the Motion of my hon. friend the Member for North Paddington, showing the cost of building, or acquisition, the financial results (revenue, working expense, net loss or profit, etc.), etc., etc., of certain railways in foreign countries and British possessions. This Return is still in process of compilation, as the particulars have had to be asked for through the Foreign Office and the Colonial Office from the different Governments concerned.

Railway Department of the Board of Trade.

MR. CHIOZZA MONEY (Paddington, N.): I beg to ask the President of the Board of Trade whether he is aware that the salaries of the Railway Commissioners amount to £15,000 a year, and their expenses to £6,000 a year, and that the Railway Department of the Board of Trade, including salaries, travelling and legal expenses, but excluding rent and printing, costs nearly £13,000 a

year, making a total expenditure of about £34,000 a year almost entirely on account of railway regulation; whether he is aware that British traders are constantly complaining of high rates and insufficient regulation; and whether he will consider the advisability of converting State regulation into State control, as practised in British India, Germany, Japan, Switzerland, Italy, Belgium, Australia, New Zealand, and elsewhere.

MR. LLOYD-GEORGE: I am unable to understand how my hon. friend has arrived at his figures. The total of £6,140 which I gave as the expenditure of the Railway and Canal Commission includes salaries. I may point out that the three Commissioners *ex officio*, who are Judges, receive no addition to their judicial salaries in respect of their work on the Commission. My hon. friend has further given insufficient weight to the fact, to which I called his attention, that a considerable deduction must be made from the cost of the Railway Department of the Board of Trade in respect of work not connected with railways. Such deduction should probably be at least two-fifths of the total cost of the Department. I fear I cannot undertake to deal with the large question of policy which he raises in a reply to a Question.

Infant Mortality.

MR. BRAMSDON: I beg to ask the Secretary of State for the Home Department whether, considering the high death rate amongst infants under one year, some of the causes of which are preventable, he is taking any steps, and, if so, what, to deal with the matter; and, in particular, whether it is suggested that a Royal Commission should be appointed to examine into and report upon the whole question of infantile mortality, with a view of legislation being introduced at an early date.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (MR. JOHN BURNS, Battersea): My right hon. friend has asked me to reply to this Question. The Government fully realise the importance of the subject of infant mortality, and I am collecting information with reference to the influences affecting it. A suggestion has been made as to the appointment of a Royal Com-

mission to inquire into the matter, but I do not think it would be desirable to appoint such a Commission at the present time.

In reply to a further Question, MR. JOHN BURNS said that the possibility of dealing with some of the questions involved by administrative means was under consideration, but there was no intention at present to appoint either a Commission or a Departmental Committee.

Vagrancy Laws.

SIR WALTER FOSTER (Derbyshire, Ilkeston): I beg to ask the President of the Local Government Board whether it is proposed to introduce a Bill next session for the purpose of giving effect to the two main recommendations of the Report of the Departmental Committee on Vagrancy, viz., the transfer of the superintendence of vagrant wards from the Poor Law authorities to the police, and the establishment of labour colonies to which habitual vagrants may be sent for detention.

MR. JOHN BURNS: I am in communication with my right hon. friend the Home Secretary on this subject, but I am not in a position to give any intimation as to legislation next session with regard to it.

Post Office Weights and Measures.

MR. RENDALL (Gloucestershire, Thornbury): I beg to ask the Postmaster-General why the weights and measures used by the Post Office are not subject to inspection by the official inspectors of weights and measures; what system exists for checking Post Office weights and scales; whether the Post Office checks its own weights and scales; and whether he will consider the advisability of arranging that a Government department which carries on business in competition with private traders should be subject as the latter to have their weights and scales inspected by inspectors appointed by the ordinary authorities.

THE POSTMASTER-GENERAL (MR. SYDNEY BUXTON, Tower Hamlets, Poplar): Post Office weights and scales are not liable to inspection by the official inspectors because, although the question

was raised in this House, the Weights and Measures Acts have not been made binding on the Crown. The weights and scales are periodically tested by officers of the Post Office who are furnished for this purpose with standard weights. The existing arrangements are found satisfactory, and I see no reason for adopting the suggestion made in the latter part of the hon. Member's Question which would involve considerable additional cost.

Portsmouth Postal Dispute.

MR. RENDALL: I beg to ask the Postmaster-General whether his attention has been drawn to a packet posted at Portsmouth to a Mr. J. J. Young, J.P., of Portsmouth, and which was surcharged 1d. on the ground of the same exceeding two ounces in weight; whether he is aware that Mr. Young on receiving the packet immediately took it to the Portsmouth General Post Office, where it was weighed by the officials and found to be under two ounces, and that other packets containing the same document were posted at the same time and were not surcharged; and whether, seeing that any moisture (if any) absorbed may have been absorbed by the packet whilst in custody of Post Office officials, he will arrange for the return of the 1d. surcharge and will consider the advisability of allowing the return of such surcharges on reasonable proof being given to the local postmaster.

MR. SYDNEY BUXTON: I find that eight of the packets to which the hon. Member refers weighed more than two ounces each when tested in the Portsmouth Post Office soon after posting, and that all of those were surcharged. The contents of the packets are stated to have left the printer's hands only a short time before the packets were posted; and the packet in question no doubt lost weight, through the drying of the paper, while it was in the Post Office. A packet stated to be a facsimile of the one sent to Mr. Young has since been obtained and is found to weigh more than two ounces; and in these circumstances I do not see my way to returning the amount of the charge collected from Mr. Young.

Strelly and Bilborough School Holidays.

MR. RICHARDSON (Nottingham S.): I beg to ask the President of the Board

of Education whether he is aware that the children in the public elementary schools of Strelly and Bilborough, in Nottinghamshire, were given holidays on the 6th, 7th, 21st, and 26th November, and that the reason for such holidays was that Mr. F. Kekewich Edge had shooting parties on such days, and used certain of the boys as stops and beaters of game; and will he take such measures as shall prevent boys being withdrawn from the school in future.

THE PRESIDENT OF THE BOARD OF EDUCATION (MR. BIRRELL, Bristol N.): I have no information in regard to the incident referred to in the Question. In reply to the concluding paragraph, I must remind the hon. Member that, subject to the opening of a school for the minimum number of times in the year required by the Code, the closing of a school on a particular day rests with the managers subject absolutely to the consent of the local authority. It is to the local authority therefore that the hon. Member should in the first instance address his inquiry. I may add that the practice of closing a school and thus stopping the education of the children merely for the convenience of shooting parties is in my view highly reprehensible, and I shall be glad to take whatever steps may be in my power to put a stop to it.

"The Times" Book Club.

MR. MACVEAGH: I beg to ask Mr. Attorney-General whether his attention has been called to the fact that *The Times* newspaper is issuing from week to week a black list of publishers, and is inciting the public to boycott all volumes issued by such publishers; and whether it is his intention to institute proceedings against the proprietors and managers of *The Times* newspaper for criminal conspiracy to injure other publishers, or to ask for an injunction to restrain them from continuing to publish the black list referred to.

THE ATTORNEY-GENERAL (Sir JOHN WALTON, Leeds, S.): This matter is not being officially brought to my notice, and I have formed no opinion on the legality of the proceedings referred to. Some of the elements of criminal conspiracy seem to be lacking, and I do not as at present advised propose to take any action.

MR. MACVEAGH asked whether the hon. and learned Gentleman was not aware that to this criminal conspiracy the manager and proprietor of *The Times* were parties, and was he not also aware that proceedings had been taken in hundreds of cases against persons in Ireland for far flimsier reasons.

[No Answer was returned.]

Ecclesiastical Commission Yorkshire Estates.

MR. FERENS (Hull, E.): I beg to ask the hon. Member for East Bristol, as Church Estates Commissioner, the number of licensed houses owned by the Ecclesiastical Commissioners in the East Riding of Yorkshire, the number of leases granted or renewed to licensed premises during the past ten years, and the number of leases which will fall in during the next five years, and where, in the latter case, such houses are situated.

MR. CHARLES HOBHOUSE (Bristol, E.): So far as the Ecclesiastical Commissioners are aware, there is no licensed house upon any of their estates in the East Riding of Yorkshire. It may be that there are licensed houses on some of the land, held upon beneficial leases for lives granted by the Commissioners' predecessors in title still outstanding, or upon copyholds of inheritance in manors belonging to the Commissioners, but such properties are not under the control of the Commissioners.

British Agriculture and Imported Food Stuff.

*CAPTAIN FABER: I beg to ask the hon. Member for South Somerset as representing the President of the Board of Agriculture whether during the last thirty years, the dependence of the United Kingdom on imported food has increased from 124,000,000 sterling to 205,000,000; whether the area of corn crops has diminished in the last thirty years by 3,000,000 acres; and whether any other European country shows such a marked decline in agriculture.

MR. JOSEPH A. PEASE (Essex, Saffron Walden): May I answer this for my hon. friend. The total value of articles classified as food in the Trade Returns (including tea, coffee, cocoa, wine, beer,

spirits and mineral waters) imported into the United Kingdom was £126,000,000 in 1875, and £208,000,000 in 1905. The area under all corn crops in the United Kingdom was 11,399,030 acres in 1875 and 8,350,796 acres in 1905. Similar Returns for the same period are only available for certain European countries, but in no case do they indicate so great a reduction in the acreage under corn.

SIR HOWARD VINCENT (Sheffield, Central): Can the hon. Gentleman say how many agricultural labourers have been thrown out of employment by the reduction of the corn area?

MR. CATHCART WASON (Orkney and Shetland): How much of the land has been taken out of cultivation and applied to sporting purposes?

MR. JOSEPH A. PEASE: Obviously I cannot answer such Questions without notice.

Doonaha Drainage Charges.

MR. HALPIN (Clare, W.): I beg to ask the Secretary to the Treasury whether the Board of Public Works has taken any steps to collect the drainage charge upon the farm now held at Doonaha East by Thomas Liddane; whether he is aware that this Thomas Liddane borrowed £130 from the Board of Works for the drainage of his farm at Rehy, and how much of this loan has been paid; why has the Board of Works, with its experience of Thomas Liddane at Rehy, neglected to demand payment of the loan on the Doonaha farm; and whether the Board will immediately press for the loan.

THE SECRETARY TO THE LOCAL GOVERNMENT BOARD (MR. RUNCIMAN, Dewsbury; for Mr. McKENNA): I am informed that the hon. Member is mistaken in supposing both these farms to be held by the same individual. The tenant in possession of the farm at Doonaha East is not Thomas but James Liddane, and the loan for drainage on that farm was not made to him, but to one Connor Haugh, who was not James Liddane's predecessor in title. I learn that Thomas Liddane borrowed £120 from the Board upon the security of his interest in the farm at Rehy, and of this sum £20 0s. 7d. has been repaid.

I am able to give no further information to the hon. Member beyond assuring him that the Board of Works are acting strictly in accordance with legal advice.

Estimates.

SIR WILLIAM BULL: I beg to ask the Secretary to the Treasury if any Supplementary Estimates are to be presented during the Autumn Session.

MR. RUNCIMAN: No, Sir.

Motherwell Holidays.

MR. SEDDON (Lancashire, Newton): I beg to ask the Secretary for Scotland whether he is aware of the action of the Motherwell Town Council, who on Tuesday, 4th December, by resolution, suspended the operation of the closing order for shops during Christmas and New Year weeks; and, if so, whether he proposes to take any and, if any, what action in the matter.

THE SECRETARY FOR SCOTLAND, (MR. SINCLAIR, Forfarshire): No information on the matter referred to by my hon. friend has reached me.

Judicial Rents.

MR. GINNELL (Westmeath, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether having regard to the fact recently given in official evidence by one of the Estates Commissioners that, in the case of poor holdings, judicial rents are habitually fixed upon the tenant's property in spite of the statutory provision forbidding that to be done, he will consider the desirability of promulgating a rule on the subject in accordance with the law for the guidance of Commissioners and valuers and the protection of the people.

THE CHIEF SECRETARY FOR IRELAND (MR. BRYCE, Aberdeen, S.): The Estates Commissioners inform me that they do not know to what particular statement the Question refers. It may, however, be pointed out that judicial rents are fixed by the Land Commission Court under the provisions of the Land Law Acts. The matter is entirely within the jurisdiction of the Land Commission, and the Government have no power to interfere, by rule or otherwise, with the discretion which Parliament has vested in that body.

MR. FLAVIN (Kerry, N.): The Government surely can interfere by putting an end to the appointment of the nominees of Irish landlords as sub-commissioners.

MR. BRYCE: I am not aware that that is the case.

MR. FLAVIN: Yes, of the sub-commission recently re-appointed the great majority were landlord nominees.

MR. BRYCE: Each case is carefully considered when the time for re-appointment comes.

Future Tenants.

MR. GINNELL: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland if he will obtain, through the Department of Agriculture, a Report on the condition of typical future tenants and of the farms they occupy, with a view to showing the effects of excessive rent, insecurity, and exclusion from the Land Courts except with the unobtainable permission of the landlord; and if he can hold out any hope of legislation next Session of admitting the 70,000 tenants of this class to the benefits of the ordinary law applicable to other tenants.

MR. BRYCE: The operation of the Land Law Acts is not a matter with which the Department of Agriculture have any official concern; and the Land Commission inform me that they have no information which would enable them to make a report upon the subject of the Question. The Act of 1881, which provided for the judicial fixing of fair rents, deliberately excluded future tenants from its operation, and, as I have repeatedly stated, I am not prepared, in answer to a Question, to discuss the difficult and intricate subject of the possibility or desirability of legislation in regard to these future tenants.

Untenanted Lands.

MR. GINNELL: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland having regard to the fact that he was asked last May for a Royal Commission to inquire into uneconomic holdings and untenanted land in Ireland on the express condition that it should report before the end of 1906, with a view to legislation next session, can he

say approximately at what date the Commission appointed will report.

MR. BRYCE: I would remind the hon. Member that on 18th July† he asked me whether the Royal Commission on congestion in Ireland would be required to report within the present year; and I replied that the Commission would, it was hoped, report at the earliest date at which it could do so consistently with the proper consideration of the matters referred to it. I may add that it was never contemplated that a time limit could be imposed on the very important labours of the Commission. I understand that the Commission have already held a large number of sittings, but a great deal of important evidence remains to be taken, not only from the departments concerned, but also from witnesses in the congested districts, where sittings are to be held.

MR. FLAVIN: The Government can take steps to prevent large tracts of untenanted land being sold back to the landlord.

MR. BRYCE: The Estates Commissioners are doing their best to acquire all the untenanted lands they can.

Major Hickman's Rehy Estates.

MR. HALPIN: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will inquire of the Estates Commissioners when they propose to divide Major Hickman's land at Rehy, near Carrigaholt, West Clare, between the tenants, who purchased their holdings on the distinct understanding that the farm, over 300 acres in his own hands, should be divided amongst them; whether Major Hickman offered for sale to the Estates Commissioners this farm; and, if they have purchased it, what is the cause for the delay, seeing that it is nine months since Major Hickman offered the farm for sale to the Estates Commissioners.

MR. BRYCE: As I informed the hon. Member on 5th March last,‡ the originating application in respect of this estate includes 305 acres of land which the vendor proposes to sell to the Land Commission for distribution among the

tenants of small holdings who are purchasing the remainder of the estate. The inspection of the lands has not yet taken place, and the sale, therefore, has not been completed. The inspection will take place as soon as the estate reaches its proper turn.

Congested Districts Commission Report.

MR. BOLAND (Kerry, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state when the first Report of the Congested Districts Commission will be published; and whether it will contain the evidence given on the proposed institution of a Government brand for cured fish.

MR. BRYCE: The first Report of the Royal Commission on Congestion, with an appendix of evidence, was presented to Parliament on 27th November, and will, I understand, shortly be circulated. It contains evidence on the subject of a Government brand for cured mackerel. I am informed that the second Report and appendix will be presented to Parliament during the present month, and this also will contain evidence on the subject. If further evidence as to a Government brand for fish should be received by the Commission it will doubtless appear in subsequent Reports.

Government Brand for Cured Fish.

MR. BOLAND (Kerry, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that at the recent meeting of the Council of Agriculture in Dublin a resolution was carried in favour of holding a conference with reference to the proposed institution of a Government brand for cured fish; can he say when and where it is proposed to hold this conference; and will steps be taken to facilitate the attendance of representatives from the small curing stations as well as of large curing firms and others engaged in the fish trade.

MR. BRYCE: I am informed that a resolution to the effect stated was passed by the Council of Agriculture. The Department of Agriculture will arrange for the holding of a series of meetings in the different curing districts in order to give persons interested an opportunity of expressing their views.

† See (4) *Debates*, clxi., 212-3.

‡ See (4) *Debates*, cliii., 101.

Due notice of the meetings will be given as soon as the dates have been fixed.

Galbraith (Longford) Estate.

MR. J. P. FARRELL (Longford, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the agreements to purchase the Galbraith (Ballinamuck, county Longford) estate have yet been lodged; and, if so, will the Estates Commissioners insist that the 200 acres of bog and plantation on this property will be handed over for the sole use of the tenants.

MR. BRYCE: The Estates Commissioners inform me that no purchase agreements in respect of the Galbraith estate, county Longford, have yet been lodged with them.

Seafeld Pier and Wild Rock.

MR. HALPIN: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether, knowing that there is £130,000 to the credit of the Agricultural Board which is unallotted for any purpose, he will use his influence with the Board to get the £3,000 that the engineers stated it would take to deepen the passage to Seafeld pier and blast the Wild Rock so as to make the passage safe for the fishermen and trading vessels.

MR. BRYCE: If the hon. Member will refer to my Answer to the Question of the hon. Baronet the Member for North Wexford on 3rd December,† he will see that the unallocated balance of £130,000 which stands to the credit of the Department's endowment fund is required to meet the present excess of annual expenditure over normal income on the purposes mentioned in that Answer. I informed the hon. Member on 29th November‡ that the expense of deepening the channel and removing part of the rock opposite to the entrance would amount to about £3,000, and that this work would be of little use unless a breakwater were constructed at a considerable further cost. The Department of Agriculture are of opinion that so large an expenditure would not be warranted by any fishery development which it would be calculated to promote, and they would, therefore, not feel justified in contributing

to such a scheme. They are, however, as I have already indicated, prepared to consider, in co-operation with local authorities, whether some less costly work may not be devised with a view to making the place safer. The Department desire to emphasise their view that the approach to the Seafeld pier must always be dangerous in bad weather, such as prevailed on the occasions of the accidents referred to in the hon. Member's previous Question.

Irish Police Patrols.

MR. BRIGG (Yorkshire, W.R., Keighley): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can state in how many districts in Ireland there is such an absence of crime that he has felt justified in allowing the police to patrol singly; and what number of new districts have been so dealt with during the present year.

MR. BRYCE: I understand that the system of one-man patrols by day was introduced into certain counties in Ireland in October, 1903, and that since June, 1904, that system has been in force in all counties without exception. County inspectors, however, are given the discretion of detailing two-men patrols for duty by day in any locality in which they may consider it requisite. This course has, I am informed, been found necessary in but few localities. The system of one-man patrols does not apply to night duty.

Longford Evictions.

MR. J. P. FARRELL: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland how many cases of eviction under the seventh section of the Act of 1887 were registered in county Longford during the year ending 31st March, 1906; and in how many cases was the decree executed, and total evictions carried out.

MR. BRYCE: During the year ending 31st March, 1906, fifteen notices of eviction were filed in county Longford under Section 7 of the Land Law (Ireland) Act, 1887. I am informed that in none of these cases was eviction carried out.]

† See (4) *Debates*, clxvi., 552.

‡ See (4) *Debates*, clxvi., 311-312.

O'Beirne Estate—Evicted Tenant.

MR. THOMAS F. SMYTH (Leitrim, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if the Estates Commissioners have received an application for reinstatement from Michael Baxter, Corrabegagh, on the O'Beirne estate, in county Leitrim, and if the same will be considered.

MR. BRYCE: The Estates Commissioners inform me that they have received the application mentioned in the Question and have referred it to one of their inspectors for inquiry and report.

Butter Grading.

MR. BOLAND: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state at how many Irish ports stations for grading butter would be required.

MR. BRYCE: Butter is exported from at least eleven Irish ports, and the Department of Agriculture consider that grading stations would be required at about eight of these ports.

Mr. Walter Long's Speech in Dublin.

MR. CLANCY (Dublin County, N.) asked the Attorney-General for Ireland whether his attention had been called to the speech delivered by the late Chief Secretary for Ireland at a Unionist meeting in Dublin on Friday last.

THE ATTORNEY-GENERAL FOR IRELAND (MR. CHERRY, Liverpool, Exchange): My attention has been called to a newspaper report of the speech to which the hon. and learned Member refers, and if the right hon. Gentleman the Member for South Dublin is correctly reported he appears to have discussed at considerable length the merits of a case tried at the Sligo Assizes in which the jury had disagreed. In the ordinary course of events that case will come up for trial at the next assizes of county Roscommon or county Leitrim—there were two cases, one from Leitrim and one from Roscommon, and I am not quite sure which of them the right hon. Gentleman commented upon. The only thing I can say in reference to this matter is that the right hon. Gentleman thought fit to adopt a course which has been over and over again condemned by the highest

judicial authorities in Ireland. Inasmuch as the Government do not consider that the remarks of the right hon. Gentleman will affect the jurors who will try the case next March, we do not propose to take any action in the matter.

MR. J. REDMOND (Waterford): Is it not a fact that in many similar cases people have been brought up for contempt of Court and sent to prison?

MR. CHERRY: I believe that has occurred.

MR. HAYDEN (Roscommon, S.) called the attention of Mr. Speaker to the fact that there were three Questions upon the Paper for to-morrow relating to the cases which had been referred to, and in these Questions the statement was made that in one of the cases the facts were not denied. He asked whether Questions of this character, discussing questions which were still pending, were in order.

*MR. SPEAKER: I am obliged to the hon. Member for calling my attention to these Questions. I have not seen them on the Paper, and even if I had seen them I do not think I should have been much the wiser. In consequence of what has occurred this afternoon, and as I understand the case of this man is likely to come before the Court, I think that no statement should appear upon the Paper which pronounces any opinion upon the case that is to be brought forward. I will take care that the Question is corrected in such a way that this statement of opinion shall not appear. The hon. Member who has put the Questions on the Paper is entitled to ask the Attorney-General what course he proposes to take or whether any further action will be taken in the case. That is perfectly legitimate.

MR. T. L. CORBETT (Down, N.): Has your attention been called to the fact that the Judge who tried the case made most severe comments to the jury? [NATIONALIST cries of "Order."]

*MR. SPEAKER: The hon. Member must see that it is impossible for me to read all the Irish Papers.

Earl of Annesley's Fishing Rights.

MR. MACVEAGH (Down, S.): I beg to ask Mr. Attorney-General for Ireland whether he has given his consideration to the fact that the Earl of Annesley began only last year to pay rates on his alleged rights to the fishing in the Shimna river, Newcastle, county Down; and whether he will advise the Dundalk Board of Fishery as to the validity or invalidity of Lord Annesley's claim.

MR. CHERRY: It is not the duty of the Attorney-General to advise boards of conservators as to private rights. It is open to them to take legal advice in the ordinary way. If, as I gather from the Question, Lord Annesley's title is contested, the matter can only be decided by a Court of law. I have no knowledge of the facts, and cannot say for what period Lord Annesley has paid rates on the right of fishing which he claims; but the payment of rates will not confer any right or title upon him that he would not otherwise have possessed.

MR. MACVEAGH: Is it not the function of the Law Officers of the Crown to advise Government Departments?

MR. CHERRY: Yes, privately, but not in this House.

MR. MACVEAGH: How is it when questions of law are addressed to a Law Officer of the Crown he always answers, "It is a question of law which I am not supposed to know anything about." What is he there for?

[No Answer was returned.]

Irish Provident Assurance Company Inquiry.

MR. HUGH LAW (Donegal, W.): I beg to ask Mr. Attorney-General for Ireland whether the inquiry regarding the Irish Provident Assurance Company has been completed; and, if so, whether he is now in a position to give any information as to the *status* and financial position of this company.

MR. CHERRY: I regret that I cannot give the hon. Member any information as to the *status* and financial position of the Irish Provident Assurance Company. I understand that some dispute has arisen between this company and the National

Standard Life Assurance Corporation' and that legal proceedings are pending between the two companies in an action in London. Full inquiries have been made by the Irish Government into the matter, but so far no facts have been disclosed which would justify any interference on the part of the Government.

Sligo Assize Jury Panels.

MR. DILLON (Mayo, E.): On behalf of the hon. Member for North Sligo, I beg to ask Mr. Attorney-General for Ireland whether he is aware that 200 jurors have been summoned to attend the winter assizes in Sligo, at which only 9 cases are to be tried; will he state who fixed the number at 200, and by what authority; and will he see that Sligo jurors are not in future subjected to needless inconvenience and expense.

MR. CHERRY: I am informed that the facts are as stated in the Question. The number of jurors summoned to attend assizes in any county is in the discretion of the high sheriff. He is bound by law to summon what he considers to be a sufficient number. The High Sheriff of the County of Sligo informs me that, having due regard to the number of jurors summoned who fail to attend, to those who are excused for various reasons, age, infirmity, etc., by the Judge, and to those who cannot serve by reason of the fact that they are also summoned on the grand jury, he did not consider 200 an excessive number to summon for the recent winter assizes. I have no power to interfere with his discretion.

Irish Land Purchase.—Justice Wylie's Judgment.

MR. GINNELL: I beg to ask Mr. Attorney-General for Ireland if his attention has been directed to a judgment delivered by Mr. Justice Wylie, sanctioning the payment of a full price based upon value, with a bonus, and an addition of one year's arrears of rent, with a further bonus; if the purchaser is prevented by private reasons from appealing against this decision, on whom does the duty devolve of appealing, in the interest of the public, against this unprecedented use of public money; and can he say if an appeal will be taken or the validity of the decision be tested in any way.

MR. CHERRY: My attention has been called to the judgment in question which was that of the Master of the Rolls in a case heard by him when Judicial Commissioner. It was decided that under the Land Act of 1903 the purchase money of a holding might include arrears of rent actually due not exceeding one year's rent. On the hearing of the case counsel appeared on behalf of the Treasury and for the landlord. The question of appealing is one for the Treasury, and is, I believe, at present under their consideration.

Crosbie Estate—Appeal.

MR. GINNELL: I beg to ask Mr. Attorney-General for Ireland if he will state the gross value of the holding and the deductions, if any, made from that value to arrive at the price in the case on the Crosbie estate upon which the Judicial Commissioner gave his decision last Tuesday.

MR. CHERRY: I understand from the Estates Commissioners that the parties to the case in question intend to appeal from the Judicial Commissioner's decision. The case is, therefore, *sub judice*, and the Commissioners do not think it desirable to discuss it in its legal aspects while the matter is pending. I may add that I quite concur in this view. Public discussion of cases which are about to come before legal tribunals is most undesirable.

Royal Hibernian Academy.

MR. BOLAND: I beg to ask the Prime Minister whether his attention has been called to the Report of the Committee of Inquiry into the work carried on by the Royal Hibernian Academy and the Metropolitan School of Art, Dublin; and whether, in view of the fact that this Committee was appointed as a result of a debate in this House on the 10th May, 1905, and that some opportunity of considering the Report should be given to this Parliament before the Estimates for next year are presented, he will give facilities for a discussion on the subject at an early date.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): Yes, Sir, my attention has been called to the Report and I quite appreciate its importance, but, the hon. Member

will, I am sure, quite understand that it is impossible to promise an opportunity for its discussion.

Eslin Bridge (Leitrim) Letter Delivery.

MR. THOMAS F. SMYTH: I beg to ask the Postmaster General if he has received a memorial from the inhabitants of the district of Eslin Bridge, in the county of Leitrim, asking for a daily delivery of letters instead of a three-day delivery, as at present; and, if so, will he say what action he proposes to take in the matter.

MR. SYDNEY BUXTON: I have not yet received the memorial referred to. I will, however, make inquiry on the subject and acquaint the hon. Member with the result.

Canadian Cattle.

MR. CAIRNS (Newcastle-on-Tyne): I beg to ask the Prime Minister, whether, with a view to removing apprehensions as to the effect of the free importation of Canadian cattle into this country, he will cause to be sent to Canada as promptly as possible a Commission to inquire into the condition of the Canadian herds and other circumstances bearing upon the question, and so accede to the oft-repeated request of the Dominion Government, who, along with the people of Canada, resent the stigma cast upon their herds by our present prohibitive law.

MR. T. M. HEALY (Louth, N.): Is it in order for an hon. Gentleman to make a statement of fact in a Question as in this case—viz., that the "people of Canada resent the stigma."

* MR. SPEAKER: I take it to be merely the opinion of the hon. Member for Newcastle, not an authoritative statement.

SIR H. CAMPBELL-BANNERMAN: The Government do not think it is necessary to adopt my hon. friend's suggestion. They are quite prepared to accept the official reports of the Canadian Government as to the health of the herds of the Dominion and consequently they do not consider that any investigation on their own account is required. My understanding is that the statutory prohibition of importation is regarded as a precautionary measure, the justification

for which does not depend entirely upon whether or not any particular country is free from disease at any particular time.

BUSINESS OF THE HOUSE.

MR. A. J. BALFOUR (City of London) asked for an indication of the proposed course of business.

SIR H. CAMPBELL-BANNERMAN said he could only speak conjecturally as to future business because he did not know what the course of the discussion on the Lords Amendments to the Education Bill would be or how long it would take. But to-day the debate on the Motion he was to propose would be followed by the Second Reading of the Expiring Laws Continuance Bill and the Land Tax Commissioners' Bill. To-morrow, after the Education discussion, there would be the Procedure resolutions as to divisions, and the Committee stage of the Expiring Laws Continuance Bill; and on Thursday, the Third Reading of that Bill and the Committee stage of the National Galleries (Scotland) Bill. The Third Reading of the Workmen's Compensation Bill and the Report stage of the Education (Provision of Meals) Bill would be taken on Friday.

MR. A. J. BALFOUR suggested that it would be more convenient to take the Provision of Meals Bill on Thursday and the National Galleries (Scotland) Bill might be taken on Friday.

SIR H. CAMPBELL-BANNERMAN said if that were so he should be glad to make that arrangement.

HOUSING OF THE WORKING CLASSES ACTS AMENDMENT BILL.

Reported, without Amendment, from the Select Committee, with Minutes of Evidence.

Special Report brought up, and read.

Report and Special Report to lie upon the Table and to be printed. [No. 376.]

EDUCATION (ENGLAND AND WALES) BILL (CONSIDERATION OF LORDS AMENDMENTS).

THE PRIME MINISTER AND FIRST
LORD OF THE TREASURY (Sir H.

CAMPBELL-BANNERMAN, Stirling Burghs) moved—"That the question of agreement or disagreement with the Lords Amendments to the Education (England and Wales) Bill be put with respect to the Amendments as a whole." He said,—I think I may with advantage first of all take notice of an argument which has been used in regard to our conduct of this business, and which I think, though not a weighty argument, deserves some little attention. We have been accused of inconsistency because yesterday we first of all invited the House then and there to take the Lords Amendments to the Education Bill into consideration, and afterwards moved the adjournment of the proceedings with a view to having the opportunity which I now take of moving the Motion which stands in my name. There is no inconsistency there. Hon. Members are perfectly familiar with the practice of a Member in charge of a Bill to move that "Mr. Speaker do now leave the Chair" merely for the purpose of instantly reporting progress in order to obtain a stage when there is some necessity or expediency in delaying the further progress of the Bill. That is exactly the circumstance in which we were placed yesterday, because the Motion which I now make, when it is on the Paper, takes precedence of any other Motion, and therefore it could not come on yesterday; nor could we have given any notice of it that would not have superseded the whole question of taking into consideration the Lords Amendments. Now, at any rate, we come to the Motion which indicates the manner in which we believe these Amendments ought to be treated. There were two courses obviously open to the Government. They might have proposed that the House take into consideration one after another all the many Amendments which have been made in another place; or they might have moved in ordinary form either that these Amendments be considered on this day three months or that they be laid aside. If we had listened to the dictates of hasty temper, or of any desire or hope of a conflict between the two Chambers, we should have taken the latter of those two courses. But we were restrained from doing so by several considerations. It would have involved the waste of a year's work upon this great subject, the abandonment of an honest attempt on our part to find a solution for our hot and

difficult problem. It would have involved the continuance of a bitter struggle which, I am afraid, does no good to the cause of education in this country. It would have hampered most seriously the administration of education in England and Wales, and it would have complicated to a great extent reforms upon which this country had set its heart in respect of other matters. Well, these considerations of themselves were enough to make us shrink from taking the violent course to which I have referred. We desire not to shut the door against compromise. We do not desire to see the *coup de grace* given to this measure, however imperfect different people may think it, until we are certain that *coup de grace* is intended in any quarter. For those reasons, as well as for other reasons, which I will presently refer to, seeing another course which has many advantages, we resisted the temptation, if we ever were tempted, to treat the Lords Amendments in that summary manner.

Then the alternative, according to precedents, was that the House should be invited to consider these Amendments *seriatim*—one by one through the whole list. Now let me point out to the House that this is not a usual case. It is not the case of one or two, or half-a-dozen Amendments which we thought objectionable, which we thought blemishes upon the Bill. It is not the case of a Bill which we considered was marred and damaged by what had been done to it. It is the case of a Bill which has been altered in tone and spirit, and purpose and intention, and which has been perverted to a purpose directly antagonistic to those purposes for which it was sent up from this House. Let the House bear in mind the fundamental difference that has prevailed in this country for many years between those who are in favour of a national system of education and those who care for a denominational system. What has been the traditional policy of the Liberal Party in regard to this great subject? There are some of us old enough in Parliamentary age to remember the Act of 1870 when it was discussed in this House. Then it became clear, I think, that the great body of the Liberal Members of Parliament wished to have as large a step taken as possible towards the establishment of a national system of education.

And if the other system was recognised, I will even say tolerated, it was because of its existing already and its doing, no doubt, in its detailed work useful service to the country. We pass on, and anyone who carries his mind back will remember that on every occasion that the question was dealt with legislatively the Liberal idea came nearer and nearer to a national system; and it was, I am afraid, the desire of others who did not belong to our Party to promote and foster the denominational system. Then, when we came to the Bill of 1902 we regarded it as an attempt on the part of denominationalism to capture national education, and they accomplished it to a great extent by what I think was the dangerous, and may ultimately prove the disastrous, policy of obtaining support from the rates. As Archbishop Temple said, they placed themselves on the slippery slope of the rates. But we opposed it. These events show a consistent purpose on this side of the House, and our desire in that direction has been continued and intensified down to this date. Our Bill as it left this House did not profess for a moment to be a symmetrical or a logical system of educational government. It could not be with the material we had to deal with, and with the circumstances in which the educational system of the country was placed. But it was an honest endeavour to bring it back as nearly as we could to the national ideal, with an indulgent, and I will even say a generous recognition of the interests and desires of those who worked upon and favoured the sectarian model. The object of our Bill was to increase and develop the national ideal in national education. What have we before us now? We have that Bill penetrated by Amendments nearly every one of them in the direction opposed to that ideal, and bringing us back near and nearer to the other system and theory of educational organisation. How are we to deal with a Bill which comes to us in a form diverted, or perverted, I will say, from the purpose of those who introduced it and passed it through the House? Precedents point, no doubt, to dealing with these Amendments *seriatim*, one after the other. But these Amendments, taken separately, might have a very different complexion from what they present when we view them all together. In order to understand the change that has been made in the Bill you cannot

take one Amendment here and one Amendment there. You must look at the effect of the whole scheme. As I say, precedents are in favour of dealing with these one by one. But whose precedents were they? They were the precedents of the Liberal Party, because it has always been the Liberal Party on whom has fallen the brunt of the work of maintaining such conflict as was necessary with the pretensions and attempts of the House of Lords. But it is the business, not only of a new Parliament, as my right hon. friend the Chancellor of the Exchequer said the other day, but of the Liberal Party, especially in a matter in which they themselves are the most experienced persons, to establish new precedents rather than follow the old in all cases. The Leader of the Opposition has had a different experience altogether. I have sometimes thought that he speaks in reference to this subject, both inside and outside the House, as a sort of unrecognised mouthpiece of the House of Lords. Nay, he goes a little further. We have seen him quite recently assuming the character of a sort of director-in-chief. He is a man having authority over Houses; and he says to the one, "Go," and he goeth; and to the other, "Do this," and he does it. Therefore I decline altogether to be lectured on proper constitutional conduct in matters between the two Houses by the right hon. Gentleman. It is we and those who went before us who always have had to maintain the constitutional protest against any encroachment, or any approach to encroachment, upon what we think constitutional practice by the House of Lords.

But how would this method of dealing with the Amendments *seriatim* work in practice? I find that there are at least forty Amendments of substance to which we could not possibly agree, and they are related and inter-related one to another, they overlap each other and play up to each other, and give accumulative effect to each in such a way that you cannot deal with them separately. I take the very first Amendment to Clause 1 as an example. It says that in every school there shall be an opportunity for religious instruction. This proposal in itself is alluring to many people—to most people, probably. It is so innocent, too. It has a good, wholesome, convenient,

respectable flavour about it. No definition of the religion. Something or other! But that Amendment which seems so innocent and even attractive in itself assumes a different character altogether when you read into it all the other Amendments made in the Bill, which show what was meant by those who made them. We therefore invite the House to deal with this matter *in globo*, and consider the Amendments as a whole, for that is the only way in which we can judge of their full effect. For my part I am still not without hopes that an accommodation of our differences may be found. But the chances of such an accommodation would be imperilled, if not destroyed, if we launched on the consideration and the discussion of individual Amendments when still unaware what concessions may after all satisfy the wishes and the opinions of those who control matters in another place. If the right hon. Gentleman opposite is going to object to this mode of dealing with those Amendments, I want to know—does he wish to save the Bill or to destroy it; does he wish to slam the door upon conciliation, or does he wish to keep the door open? If he does wish to save the Bill and to keep the door open, then the best thing to do is that which we have adopted—namely, to clear the Bill of these Amendments. Most of them are familiar to the House. Most of them were moved in Committee in this House. Therefore they are not new or strange Amendments. We have seen them, and the House has rejected them. It is my honest belief that those who voted for them in another place voted for them one by one, thinking what nice, charming, innocent Amendments they were, and had no opportunity until the last moment of realising what their cumulative effect might be. Then I say that if we get rid of these Amendments what we should like to see done would be to take the Bill as it left this House as a basis, and build into it certain alterations, certain Amendments, such as were indicated by my right hon. friend the President of the Board of Education yesterday, which would bring the Bill into closer harmony with the wishes and desires of those who favour a system of denominational education. I repudiate the idea of any want of consideration for the House of Lords. We hear of the Amendments being flung back in the face

of the House of Lords. I believe, as I have said, that they have been led on little by little to this *impasse* to which they have brought us. Let them look ahead at the whole field, and I believe they will be startled to find what is the true nature and bearing of their work, and even now, therefore, I firmly believe that it is not only possible, but even probable, that counsels of moderation and peace will prevail. I beg to move.

Motion made, and Question proposed, "That the question of agreement or disagreement with the Lords' Amendments to the Education (England and Wales) Bill be put with respect to the Amendments as a whole."—(*Sir Henry Campbell-Bannerman.*)

MR. A. J. BALFOUR (City of London): Before the Prime Minister got up to propose the Resolution he has placed on the Paper I not only hoped, but expected, that I should be spared the task and the House the weariness of hearing me say anything more upon the subject of education and the principles which ought to govern the House in dealing with it. I had hoped he would confine himself to the terms of the Motion and that I should thereby be enabled to follow his example. But I must preface some comments on the more strictly relevant part of the right hon. Gentleman's speech by one or two observations on the extraordinary version which he has given of Liberal policy, as he calls it, in regard to education, and the extraordinary theory which he has laid down as to the general educational scheme at which this country ought to aim. He has told us in so many words that there are two ideals of education—one which he is pleased to describe as denominational, and the other as national. I need hardly say it is the national system, whatever that may be, which he conceives himself to be supporting; it is the denominational system which we on this side are supposed to be advocating. If by a national system he means a system that, as far as secular instruction is concerned, is put upon a broad basis, fitted in its primary and secondary parts as a carefully articulated whole and placed under competent local authorities acting in conjunction with the Board of Education and this House—why, Sir, we are all in favour of that, and it is the Party on

this side of the House who have established it. If he means by a national system, as he must mean, in connection with this religious controversy, a scheme in which the nation, acting either through this House or through the local authorities appointed by this House, are to settle the religion of each child, then I say that is not the ideal of my friends, and I do not believe, if they would examine their hearts and consciences, that it is really the ideal of hon. Gentlemen opposite. The ideal which we ought to have in regard to religious matters is not the national ideal as expressed by the Prime Minister now, but the ideal he expressed not long ago—namely, that every child should be brought up in the religion—that is to say, the denominational religion—of his parent until he is old enough to select his own form of creed for himself. That is my ideal. When hon. Gentlemen opposite, and the right hon. Gentleman in particular, talk in this glib fashion they are really going back to the ideal of a national Church held in the time of Laud—a Church which was to be set up by the nation, and which, when it was set up, was to see that every child in the nation was brought up according to its tenets. Sir, that is two centuries old. It has been abandoned by every thinker of every school of thought in this country, and now we are going to have the same ideal, rejected in the form of a Church for adults, brought back in the form of a system of education for children. We are all agreed in our desire for a national system as far as secular learning is concerned, and some of us have done a good deal to institute such a system; but we are not agreed and ought not to move a single step in the direction of making it more difficult for the parent to have his child educated in his own religion. All our efforts should be devoted to the attempt, so far as practicable, to make it possible that every child should be brought up in the voluntary schools of the country in the religion which its parents desire. Let that be repudiated formally by right hon. and hon. Gentlemen opposite if they please. That is our ideal. As far as I am able to trace any single scheme in the Lords' Amendments, it seems to me that the connecting thread of policy running through them is to give that parental freedom. The House will forgive me for having again after the long speech of yesterday

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gone into the educational aspect of the education controversy.

I now refer to that part of the right hon. Gentleman's speech which was not concerned with our ideas of education, either on this side of the House or on that; I come to the actual procedure, the unexampled, and, I think, wholly unjustifiable procedure which the right hon. Gentleman is recommending to the House as its responsible leader in the controversy which has now unfortunately arisen between the two Houses. He does not deny that it is entirely novel, but the patent for it he jauntily claims on the ground that it has been the business of his Party to manufacture hitherto all the expedients by which this House has been able to deal with the House of Lords, and that improvements upon those methods naturally fall to those who have so long practised them. Let us examine what this new method is. In the first place it is a new form of gag. The House is not to be allowed, as it always has been allowed, to discuss the Amendments in the only form in which they can be discussed—that is, *seriatim*. It is to treat them *in globo*. The good and the bad alike are to be rejected by one common operation, to meet with one common fate, and to carry out the idea of the Roman emperor who desired that the citizens of Rome cut one neck that he might cut it. Even if all the Lords Amendments were bad such procedure could not be justified. But these Amendments are not all bad, at least I suppose not, because a great many of them were proposed by Lord Crewe in behalf of the Government. You are going to reject all these without discussion. You are going to lump them up *in globo*, with all the more peccant portion of the House of Lords Amendments, and all of them you are going to condemn by one summary and unheard of process. And what is the justification for this course? The right hon. Gentleman says the alternative open to us, if we are not to kill the Bill ourselves by parricidal hands, is to take the Amendments one by one, and that that is a process which will take so long that we cannot undertake to embark upon it. The right hon. Gentleman knows perfectly well that there is no such difficulty. I recognise now, as I have always done, that the four days which were suggested

by the right hon. Gentleman himself were as much as, with one solitary exception, has ever been devoted to the discussion of Lords Amendments. I made it perfectly clear through the ordinary channels of communication, that, as far as my friends were concerned, we were quite content to confine our attention to the small number of Amendments we thought really elementary and vital, and to let go without discussion the incomparably larger mass of Amendments which crowd the Order Paper. The nine or ten Amendments which we desired to see discussed were exactly the Amendments on which from an opposite point of view the attention of hon. Gentlemen opposite would have been concentrated, and exactly the same Amendments on which from their special point of view the Irish representatives would desire to speak. I do not believe there were more than nine or ten or eleven questions on which the House would have desired to say a word, and there would have been no difficulty. I do not think it is any breach of Parliamentary confidence to say that when I left town late on Friday I believed an arrangement had been come to between the two sides on the basis of a four days discussion on these Amendments. I learned with the profoundest astonishment on Saturday morning that the four days indicated in an answer to a Question had been abandoned and a wholly new method of procedure adopted. I am justified in sweeping aside as wholly irrelevant to this discussion the shallow plea put forward by the Government that this plan, with all its defects, was forced upon them by the material impossibility of getting through the discussion on the Lords' Amendments within the four days allotted to them. What other motive, can we imagine, has animated the breasts of right hon. Gentlemen opposite? My firm belief is that they were most reluctant to embark on the kind of debate that would have been forced upon them. The whole scheme of the Lords Amendments, which seems so appalling to the Prime Minister and so strange and terrible to the Minister for Education, can be defended point by point out of their own speeches. This wickedness which the Lords have committed they committed at their instigation. The Lords have founded themselves on the utterances of the

most responsible Minister for all the broad principles at the bottom of their Amendments. [AN HON. MEMBER—"Quote."] I am not going to quote all the speeches; I do not suppose the hon. Gentleman desires it; but if he is so very anxious to deal with this point, I will give him one or two examples, if he likes. I will take one on which I understand there is a really stronger feeling than on any other—I mean the Amendment of the Lords which in single-school areas permits Church children, or Roman Catholic children, or any other children whose parents desire some kind of teaching not contemplated by the Cowper-Temple clause, to be obtained if the children are in sufficient number and no other school is available. That, I infer, is almost the wickedest thing the Lords have done. Well, I listened, with a sympathy, which grew ultimately from mere repetition into weariness, to the interminable speeches made to me during the Bill of 1902 on the hardship suffered in the single-school areas by the parents of children who did not happen to approve the religious education given in that single school. [AN HON. MEMBER: What did you do with the clause?] If the hon. Member will not interrupt me, but will look at the Act of 1902, he will see I did a great deal. But we are not now on the Act of 1902. That grievance has, and I am glad it has, been totally repealed, so far as the children of Nonconformist parents are concerned, by the Bill of the present Government. There is now no area in the country where the children of Nonconformists cannot obtain the religion which the parents desire in the public elementary schools at the public expense ["No, no"], and I am glad of that. But what you are grudging is that at the denomination's expense, or at the parents' expense, liberty to obtain the education desired by the parents should be given in the school area where the only school is a provided school. The view of the Minister of Education goes far beyond the Lords Amendments. Both in his speeches and his writings up to a very recent date he has frankly admitted that, so far as the equities of the case are concerned, he would like to see facilities given not merely in single-school areas, but throughout the whole country. The House of Lords have not gone that length; they have not gone half that length; they have not gone

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within a measurable distance of that ideal; but that ideal to its whole extent was the ideal that commended itself to the Minister for Education. If the hon. Gentleman is not content with that illustration I can give him another. It relates to the Clause 4 schools. The Government have said over and over again that they want to make Clause 4 a reality, a really genuine concession to those who want denominational education. As Clause 4 went to the Lords it was a mere sham. It did not even begin to carry out this object. We were all in the happy position of hearing soft words spoken by Ministers to the Nonconformists behind them, and who then turned round and spoke equally soft words to the Irish Members below the gangway. That kind of negotiation is one which can be carried on successfully and effectually in two separate chambers where they are no reporters. It cannot be carried out effectually and successfully across the floor of the House, when any Member of this House can come down upon the Minister and ask "Do you mean this or do you not—do you allow in Church schools the teacher to be chosen with a view to giving religious instruction?" I do not wonder that the Government do not want to face the debate on the whole series of points arising on Clause 4. And what fell from the Leader of the Irish Party yesterday more than ever convinces me that the last thing they ought to want is to face that debate. The hon. Member was, indeed, extremely obscure in his indications of policy; but while it was obvious that he was dying to come to some kind of understanding with the Government, it was equally obvious to me that the basis did not exist for it and that it was impossible, for the Government, in the open, and obliged to answer plain questions about plain matters of fact connected with the Bill, would be obliged to quarrel either with their friends behind them, or with their friends below the gangway on this side. Without asking hon. Members to conform to too high a standard of public virtue, I confess I must think they are justified, from their own point of view, in trying to escape from an impossible and most embarrassing position by an expedient which will effectually enable them to escape, whatever damage it may do to the constitutional procedure of this House. The right hon. Gentleman who

has just sat down is good enough to say that he thinks I have spoken here and elsewhere as if I had some title to interfere in the management by the House of Lords of their own affairs and in the policy which that House is to adopt. No charge can be more unfounded. I do not come here either to say what I think the House of Lords ought to do or how this particular procedure will affect them or ought to affect them in connection with this and other Bills. That is their own affair. He said, as the Minister for Education yesterday said, that he would speak of the House of Lords with all courtesy; and indeed he laid it down as a universal rule that Ministers in this House ought always to speak of the House of Lords with courtesy. That is a critical maxim which, like all important critical maxims, I presume is to be deduced from the practice of the best authors; and, I take it, when he laid down the proposition that all Ministers of the Crown ought always to speak of the Lords in courteous terms it was after a careful and minute study of the speeches of the right hon. Gentleman the President of the Board of Trade. But, in truth, I should have thought that a more insulting procedure could not be adopted by one House in regard to the other, and I think that may be another reason why it commends itself to hon. Gentlemen opposite. I think that if a thing is to be done they probably prefer doing it in a manner which is plainly and obviously offensive to those against whom it is directed rather than to take the more usual and, I should have thought, the far more courteous and conciliatory method.

That was a very astonishing declaration which the Prime Minister made when he said that his object really was to pursue a policy of peace. Conciliation is what he has been aiming at. This Motion, whatever it may look like on the surface, is, if you look at its interior meaning, really an olive branch sent to the House of Lords. It is moved with the object of producing harmony between the Houses. Let me examine whether there is the smallest plausibility in that contention. We send back the Bill to the House of Lords, with three or four vaguely sketched points on which the right hon. Gentleman the Minister for Education says that he and

his colleagues are open either to reason or to pressure. If he wants the House of Lords to enter into this plan, why does he not tell us frankly what he wants to do? Is the leader of the majority in the other House to call at Downing Street and say he has studied carefully the suggestions of the Minister for Education, but for the life of him he cannot see what it is that is to be done, but if the Minister will be courteous enough to give him the necessary information he will consider the matter? Or is the Prime Minister going to Lansdowne House to ask how far the Lords will give way? What is this adumbration of a treaty between the high contracting parties in this case? Is it not manifest that the House of Lords will not be in a position to know what the view of this House is if you refuse to allow this House to discuss the matter? The Government have changed their minds already, whether in deference to Members behind them or not, in regard to procedure, and their policy of last Thursday is not the policy of to-day. What security has anybody got that if the House of Lords were to introduce an Amendment it would be accepted by this House? There might be some security if the Amendments were by the Government here laid down in plain terms which would give their exact intention, for then we should hear what is thought of them by the Nonconformist Party, by the Irish Members, by various Members of the House, even by the Opposition, if they count for anything in that matter at all. But I venture to say there is no human being in the House who can tell with regard to any kind of arrangement between the Houses, whether, if adopted by the Lords, it would be accepted by this House. You refuse to us the only means of obtaining information on that point by passing this Resolution, and having refused information on this, the only vital point, you ask in obscure words others to come into obscure consultation with you.

The right hon. Gentleman asks me whether I want the Bill to survive or not. I do not want it to survive in the form in which you propose to send it back to the House of Lords by your Resolution. Rather, far rather, would I see the Bill perish and the country given further time to consider upon what lines we should deal with

parental rights in regard to the education of children than I would allow this most crude, most unjust measure to be placed on the Statute-book. The Lords Amendments have been described by hon. Members opposite as having introduced a leaven which has utterly destroyed the original methods of the Bill. In my opinion the Amendments have done something materially to mitigate the evils in the Bill. They have done a great deal to preserve parental rights where they exist and to restore them where they do not exist. I think it would be a lamentable calamity if it were understood that the interpretation to be placed on the result of the general election was that parents in this country were henceforth to find themselves bound hand and foot, so far as the religious education of their children is concerned, in the trammels of what the right hon. Gentleman calls this national system of education. No man can say what will be the fate of a measure treated in this tyrannical, irresponsible fashion by the great majority sitting opposite. They have, of course, the power to carry the Resolution of the right hon. Gentleman; they can if they please start this new precedent, and which I doubt not will in future be frequently called up if once started, to regulate the relations between the two Houses; we will have no part or lot in starting a precedent which may have such calamitous consequences. Quite apart from the evil results of the precedent as regards the future, I say the conduct of the right hon. Gentleman deprives us of a legitimate opportunity for discussing in detail points upon which sections of the House are divided and which the House would deal with in the only fashion they should be dealt with, and which would give the House of Lords the knowledge it must have, if it is really to survey with effect the situation with which it has to deal. Above all, the right hon. Gentleman has shown by his speech that the ideals of education cherished by himself and his friends are ideals tainted at their source, and are utterly inconsistent with any sound plan by which we may hope to educate the youth of this country in the religion of their fathers. I shall oppose the Motion.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fifehire, E): Many ingenious interpretations have been
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placed, at different times, and by different people, upon the results of the late general election, but it has been reserved for the right hon. Gentleman to discover that what the people really wanted when they returned the present majority to Parliament was not popular control, but parental control, in relation to public elementary education. The right hon. Gentleman has by some lapse of memory quoted some words as having been said by the Prime Minister, at some time, somewhere, that a parent ought to have the right to bring up his child in the religion in which the parent believes until the child is old enough to form his own opinion. Well, so say all of us. But that is not the question: the question is whether the parent is to have that right to such education for his child in a school provided and maintained at the public expense.

MR. A. J. BALFOUR: But does not pay for religious teaching.

MR. ASQUITH: He pays for the maintenance of the school. It is that point, as the Prime Minister has said, which constitutes the turning point between a national and a denominational system, and if on that point the general election can be said to have turned at all, the decision was in favour of a national system and public control. But this is only indirectly relevant to the Question before the House. My complaint against the speech we have just heard is that the right hon. Gentleman has ignored, or it seems to me he has ignored, the central dominant fact of the situation distinguishing this case, so far as my knowledge and research goes, from all preceding cases in which the House of Lords has refused to acquiesce in legislation passed by this House. What is this case? If you take the Amendments made by the House of Lords, if you look at them in their number, complexity and character, they amount, not so much to a reconstruction, but to a reincarnation, an absolutely new Bill, which goes by the old name. It is not, therefore, a mere question of considering this or that clause, or of accepting or rejecting an Amendment of any detail; here under the guise of Amendments we have proposals which completely alter the spirit, purpose, and effect of the Bill. The whole picture is altered, the whole landscape is changed,

the whole scene is submerged so that not the most discerning eye can trace any of its original features except here and there in a broken and mutilated form. *Apparent rari nantes in gurgite vasto*. We should have been perfectly justified in the circumstances if we had asked the House either to discharge the order for considering the Lords Amendments, or had recommended the postponement of consideration for three or six months. We should have been perfectly justified, I say, if we had wanted to do as has been suggested, to flout or insult the House of Lords or to kill the Bill, and if we desired to shut the door to any possible agreement, that is the course that undoubtedly would have been taken. But we do not want to kill the Bill.

May I, in all candour, state to the House why we do not want to kill the Bill? In the first place, because, apart from all these religious difficulties which encumber the earlier clauses and the first part, the Bill contains invaluable provisions for the betterment of our system of national education. There is the medical inspection of the children; the enlarged powers for the provision of play centres; elastic means for the delegation of powers from county councils to local bodies; improvements in supervision—these are provisions which anybody really interested in the development of our educational system and willing to put the welfare of the children beyond the controversies of sects would be sorry to see sacrificed. In the next place, as regards the religious difficulty itself, so far as it is dealt with by the Bill, we believe now, as we believed in the summer, that the Bill as sent up to the House of Lords—susceptible as we knew and always said it was to modification and amendment within the scope and operation of its general provisions—was a Bill which offered a solution—not a very logical solution, I do not think we shall ever get that—but a workable settlement of religious controversies. Further, we on these benches feel, and so I am sure do a great many Members opposite feel, that a time has come for a truce in this barren, desolating warfare, which for so many years has hampered all proposals for educational progress. An additional and final reason for desiring, earnestly desiring, that some legislation on this subject should this year pass into law, is that from an ad-

ministrative point of view, whatever the decision of the House of Lords may be upon the West Riding case, now *sub judice*, from an administrative point of view legislation is urgently needed, not only to soothe the consciences of passive resisters, but in order, as I fear will very soon be found out if the Bill does perish—to promote and maintain the interests of the non-provided schools. On all these grounds, which traverse the whole field of controversy, the Government are most anxious to keep the Bill alive, and that is the reason we did not take the course, tempting as it was to the natural man, of asking the House to postpone consideration of the Lords Amendments, thereby killing the Bill on the floor of the House of Commons.

As to discussing the Amendments *seriatim*, I think, having regard to their number and character and the time at our disposal, such a discussion would be a sheer waste of time. It is quite true that some of the Amendments, like that to which the right hon. Gentleman has referred, could be wiped out in a moment as with a sponge, and to them we should not have hesitated to apply that summary and drastic process. But as regards the bulk of them, as my right hon. friend the Prime Minister has said, they are so correlated and interdependent one upon another that to discuss them *seriatim* would be nothing short of a squandering of time and energy. We gave much consideration to the subject, and we were of course influenced by the unbroken course of precedent. The more we examined the Amendments the more we felt clear that it would be perfectly idle to proceed by any form of compartmental closure, for it would have had to come to that. It is ridiculous to say there are only nine or ten Amendments on which attention would have been concentrated, and that with the general consent of the House discussion on all others would have been foregone. The right hon. Gentleman might have been speaking for himself; did he speak for the noble Lord the Member for East Marylebone?

MR. A. J. BALFOUR: Yes. I was speaking for all those Gentlemen who follow me.

MR. ASQUITH: In that case I congratulate the right hon. Gentleman on

the excellent and novel state of discipline that prevails. Although on the present occasion we shall not be able to put it to the test, I hope that on some future occasion he will be able to show that he exercises dominating and undisputed sway.

MR. A. J. BALFOUR: Of course, I quite agree that occasions on which it is possible to answer for a Party are not very numerous, but I made myself acquainted with the views of my friends, and I was able to assure the Government that, as far as we were concerned, the discussion could be compressed in that way.

MR. ASQUITH: I have no doubt the right hon. Gentleman gave that assurance in perfectly good faith. But he could not speak for hon. Gentlemen below the gangway, and they are entitled to be heard. He could not speak for my hon. friends who sit behind me. Surely it does not rest with the Opposition to determine which are and which are not the most important Amendments. It does not rest with the Opposition to say upon which of these Amendments the House should come to a decision. There are all sections and bodies of opinion here, and each one of them on a matter of this kind is entitled to make its own case. I say on behalf of the Government that, without prejudice one way or the other, and after most careful consideration of the possibility and even probabilities of the case, we came deliberately to the conclusion that there could be no security that by any system of compartmental closure Amendments of great importance would ever be reached at all, or that anything like an adequate proportional amount of time would be given to the various Amendments.

If that was the case, there was only one other course open to us, and that is the course we ask the House to adopt—namely, to consider the Amendments as a whole. I think all the arguments I have been endeavouring to submit to the House point directly and indirectly to that end and conclusion. The right hon. Gentleman says he would much have preferred, I dare say he would, the discussion of these Amendments point by point because, as he tells us—it

Mr. Asquith.

is a bold statement—in that way they could all be defended by points out of Ministers' speeches. Well, if they care, the right hon. Gentleman and his friends, who have got these speeches in their memories or in their pockets, can in the course of the general discussion confront Ministers who sit upon this bench with their utterances in the past, and they can point out inconsistencies, if there be such, between what they have said and what they have done; and they can convict my right hon. friend of having found for the first time in the House of Lords gentlemen who could put into adequate English and statutory form his concealed and disguised intentions. I can assure the right hon. Gentleman and his friends that any oratorical or dialectical advantage which they could have gained by the successive discussion of particular Amendments will be equally open to them in the general discussion to which we invite the House. In these circumstances the Government have come to the conclusion which they ask the House to adopt. Having regard to the number and character of the Amendments and the conditions of time which dominate our present discussion, we have taken the only possible course. If there be a desire to come to a reasonable accommodation on this matter, that it will in any way prejudice the prospect of such an accommodation I entirely deny. On the contrary, I think a discussion of this kind, ranging over the whole field and bringing into prominence points of possible agreement, as well as of actual difference, may afford a most valuable indication as to the direction in which we may ultimately come together. Be that so or not, it is our intention to ask the House to send back these Amendments to the House of Lords with the distinct intimation that if they will propose Amendments in place of them which are within the spirit and compass and purpose of this Bill, which do not mock its spirit, transcend its compass, and defeat its purpose—if they will do that those Amendments will receive from us most respectful consideration.

LORD EDMUND TALBOT (Sussex, Chichester) said that with reference to the adoption of the three-fourths majority instead of four-fifths in regard to Clause 4 it had been stated that only about thirty Catholic schools would be

excluded. That was not the case, because a three-fourths majority would exclude the extended facilities from 170 schools. Some vague phrases had been used in reference to teachers—

*MR. SPEAKER: I fail to see how the arguments which the noble Lord is using are relevant to this Motion. They may be relevant to the next Motion to disagree with the Lords' Amendments, but they are not relevant to the Motion that these Amendments be considered *en bloc*.

LORD EDMUND TALBOT: Then I will, subject to your ruling, reserve my remarks until the next Motion is made.

MR. A. J. BALFOUR said it would be for the convenience of the House if Mr. Speaker would lay it down that the discussion on this Motion must be confined to the question of procedure.

*MR. SPEAKER: That is obviously the more convenient course. On the second Motion there will be very wide latitude, because all the Amendments of the Lords are included.

LORD R. CECIL (Marylebone, E.) moved to insert after the word "Bill," the words, "except with respect to the Amendments on page 1, line 10, of the Lords' Amendments." The object of the Amendment was to admit of a discussion on the Lords' Amendment which provided that no school should be recognised as a public elementary school "unless some portion of the school hours of every day is set set apart for the purposes of religious instruction." The policy which he and some of his friends recommended to the House might be stated in a very few words. Their contention might be stated in the form of a syllogism. Their major premise was contained in the Lords' Amendment to which he was now referring. It was a proposition which had the support of the House as a whole, because, by an overwhelming majority, they rejected a proposition that there should be no religious instruction given in the schools. The minor premise was that the parents had the right to select the religious instruction to be given to their children. The Chancellor of the Exchequer had told them that no one

disputed that proposition. Did not the conclusion follow that the religious instruction given in the public elementary schools must be religious instruction of which the parents approved. That was the whole contention which they had tried over and over again to put before the House. If he had made the point clear to the House, he did not think any hon. Member, wherever he might sit, would find it very easy to controvert either the major or the minor premise, and he was certain that if the premises were admitted the conclusion must also be accepted. He hoped the Government would allow the House to discuss the Lords' Amendment to which he referred. He could not believe that a majority of the House were against the proposition contained in the Amendment. The Prime Minister said, "Oh! but that proposition involves a great deal else." He agreed that it involved the whole position for which they were striving. It involved the proposition that an educational system was on a wrong basis which persisted in the theory that it was the ratepayer who was to select the religious instruction, whereas in all conscience and justice it ought to be the parent. It only involved that conclusion because it was the natural and logical outcome of the first proposition. If they were not prepared to deny the first proposition, then the rest of their case followed logically and necessarily from it. It was for that reason he was particularly anxious that this question should be submitted to the discussion of the House.

*SIR PHILIP MAGNUS (London University), in seconding the Amendment, said the fact that it had been moved illustrated the disadvantage of pursuing the policy suggested by the Prime Minister. They had before them in this Amendment of the House of Lords a distinct affirmation of the policy with respect to which it was very desirable that they should have the opinion of the whole House. In the course of the discussion it had been stated more than once that the Amendments made by the House of Lords were absolutely opposed to the principle of the Bill as it left this House.

Not a single instance, however, had been quoted in which an Amendment made by the House of Lords could be considered as opposed to the intentions of the Bill as frequently expressed in the House of Commons. Having carefully considered the Amendments, he thought that, while it might not be possible for this House to agree to them all, it must be admitted that the House of Lords had endeavoured to put into the clauses what was intended by the Minister of Education and others who had spoken on the Bill. The Amendment referred to by the noble Lord seemed to follow directly and logically from the Resolution of this House when they were asked to consider whether secular or some form of religious instruction should be given in the public elementary schools. The Prime Minister had made a strange contrast between national and denominational teaching. He could not understand why the right hon. Gentleman considered these two words were in any way in opposition to each other. National education was the education approved by the nation, and if the nation decided that what was called "denominational instruction" should be introduced into some of our schools, surely then denominational teaching would become a part of a national system of education.

Amendment proposed—

"After the word 'Bill,' to insert the words 'except with regard to the Lords' Amendment in page 1, line 10.'"—(*Lord R. Cecil.*)

Question proposed, "That those words be there inserted."

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. BIRRELL, Bristol, N.): I imagine that any observations now in order are those which give reasons, for or against why the Amendment to which the noble Lord refers should be exempted from the operation of the Resolution we are discussing. Therefore, I cannot, of course, go into the merits of the Lords' Amendment. I see no reason why it should be exempted. The noble Lord began by putting his argument in the form of a syllogism, and that would rather puzzle us if it were to become general in Parliamentary practice. He starts with the major premise that religious instruction ought to be given in the public elementary schools. Well, as an ex-

pression of desirability, I entirely agree with the noble Lord, but I am by no means sure that it is in the interest of the object which we both desire that religious instruction should be made compulsorily to be given by the local authority. Therefore, I am afraid that in the noble Lord's major premise there lurks a certain ambiguity which so often makes the logical form of no particular use in public debate. I see no reason why this particular Amendment should stand by itself. I see no reason why it should not be discussed by the noble Lord or by any person who feels very strongly on it when we come to the discussion of the Amendments as a whole. It is an Amendment which, I confess, I have always had difficulty in understanding, and I hope very much it will receive consideration and that it will be carefully explained to us by right hon. and hon. Gentlemen opposite. It seems to me to be our old friend with the long name—pan-denominationalism. Without going the length of saying, as my hon. friend the Member for North Camberwell did, that pan-denominationalism means pandemonium, I am by no means satisfied that it would receive the general support of the people of this country or the managers of schools if it were really put in force. I am by no means satisfied that it would be received with the general approval of the people of the country or of the managers of the schools. I am not at all sure that a Unitarian child or a Baptist child would receive in the village schools to be transferred under this Act the religious instruction which the parents would desire. I doubt whether in the present state of feeling in the country it would be found tolerable or possible to follow this pan-denominational teaching. There had been ample discussion on the point in the House before the Bill went to the Lords, and it was felt that it would be physically and morally impossible. I hope that an opportunity will be afforded in the lengthy debates which we may have on this subject to have full information as to what this clause as it now stands really means.

SIR. A. ACLAND-HOOD (Somersetshire, Wellington) said he wished to point out the great difficulty in which the House was involved by the course which the Government intended to adopt.

Sir Philip Magnus.

He understood that in his unavoidable absence from the House the Chancellor of the Exchequer hinted that there would be no attempt to come to an arrangement after this debate.

MR. BIRRELL: Nothing of the sort was said.

SIR A. ACLAND-HOOD said that the course proposed to be followed, which at one time the right hon. Gentleman had agreed to, was that the Lords' Amendment should be taken and a decent opportunity afforded to discuss, not all the minor Amendments, but each important Amendment. He regretted that that arrangement had not been carried out. They understood from the Prime Minister last Friday that this week the right hon. Gentleman the Minister for Education would appear before the House in the character of Hercules struggling with a hydra; but yesterday the President of the Board of Education had appeared in the character of Tarquinius Superbus and wished to cut off all the Lords' Amendments with a stroke of his cane. He thought that the character of Hercules was far more appropriate to the right hon. Gentleman.

*COLONEL WILLIAMS (Dorsetshire, W.) said that the local education authorities were very important bodies, but, after all, they were only local authorities who had their own local duties to discharge. The House of Commons was a much bigger authority, for that Assembly spoke for the nation as a whole. He hoped that the House of Commons would speak once for all and say that in the opinion of the country it was right and fitting that the nation should declare itself as a Christian nation and one which believed in religion. They ought to lay down to the local authorities that, while they could manage their local affairs as they thought best, they must not forget that as a Christian nation Parliament insisted that the children of the nation must be brought up as Christian children. He thought that this was an Amendment which might well be accepted. An hon. Member on the Ministerial Benches had exhorted the House to follow the example of the United States and say that no religion

should be taught in the schools. He had returned from a visit to America only a fortnight ago, and he had been assured that many thoughtful men there were coming to believe that a purely secular education in the primary schools was not for the advantage of the nation, and that some sort of religion should be taught in their schools. In several British Colonies definite religious instruction was given in the elementary schools, and some Colonies, which had adopted a purely secular system, were returning to the old system in which religious instruction was given, while in others strenuous efforts were being made to that end. It was for that reason that he hoped the Government would accept the Amendment.

MAJOR SEELY (Liverpool, Abercromby) said that, although he agreed on general terms that the majority of the House desired that some religious instruction should be given in the primary schools, yet it seemed to him that it was perfectly impossible for the Government to take any other course than they had adopted. His only excuse for rising was to protest against the suggestion of the late Chief Whip that it was possible for the Government to make an arrangement by which the multitudinous Amendments made by the Lords on the Bill could be discussed in three or four days. Although, with all the varying opinions on the Ministerial side of the House, many disapproved of some portions of the Bill, they disapproved vehemently of the reasons which hon. Gentlemen opposite gave for opposing the Bill. He should oppose the Motion of the noble Lord and other Amendments which were designed to break up the system which the Government proposed.

*SIR FRANCIS POWELL (Wigan) said that, when he saw the Amendment on the Paper, he could not help feeling that it was to be regretted that they had passed away from the old system of mentioning the intention of the Legislature in the preambles of Bills. He was certain that the words now objected to would have been unanimously accepted in such a preamble. There was a feeling abroad in our Colonies and in the United

States in favour of more religious teaching and that a pure secular education led to national deterioration. He believed that a secular education in schools would be a great calamity, not only to this country, but to civilisation and that the omission of the words in opposition to it would be a reactionary Amendment.

*SIR WALTER FOSTER (Derbyshire, Ilkeston) said he would not have intervened in the debate, but for the remarks of the hon. and gallant Member for Dorset and the hon. Baronet the Member for Wigan. He had had the advantage of visiting America on more than one occasion and had recently spent some weeks in the United States, where he came in contact with many people deeply interested in education. He never once heard any sentiment expressed in favour of religious instruction being introduced into the primary schools. On the contrary, educationists in the United States rejoiced that they had escaped from the religious difficulty which had haunted and hurt our education system for the past thirty-six years. His own opinion was that in this country we should have the same system as in the United States, where the public authority carried on the secular instruction, leaving it to the churches to carry on the religious teaching. Ever since the Act of 1870 and throughout the whole thirty-six years of its working we had example after example of the evil wrought by the religious question. He hated the controversy, because it checked and crippled education. When school boards were created he was asked to serve, but declined because of the religious bitterness introduced in the contests. It was this which had handicapped us in our competition with other nations, by impairing education and diverting our thoughts from that which we ought to think about first—the education of the children. On that ground he never became a member of a school board, but with many other Members of this House he had tried to bring about a finish of this squabble. He voted with many misgivings against the Amendment of his hon. friend the Member for Burnley in favour of secular education, as he was willing to make one more attempt to settle this difficult and

vexed question. He believed that there were scores of hon. Members who would vote for the secular solution to settle it now. Surely it was a scandal to the name of Christianity that after thirty-six years we were unable to arrive at any common method of teaching its fundamental truths. That was a scandal that rested upon all the churches of this country; it rested more heavily upon some than upon others. He had gone on for thirty-six years watching this struggle hoping that it might cease, and he hoped the time might come soon when it would cease. The Government had behind it one of the largest Liberal majorities ever seen, and he urged them to use it to secure a settlement. He hoped that the Government would send the Amendments back to the House of Lords for their re-consideration, for only very small additional concessions could be accepted if a settlement was to be arrived at.

*MR. SPEAKER said the hon. Member was not confining himself to the Amendment, but was speaking at large.

*SIR WALTER FOSTER said that, having been privileged to unburden his soul on the Motion generally, for which he was grateful, he wished to say, as to the Amendment, that it was one to which he should give his most vigorous opposition.

*MR. BUTCHER (Cambridge University) was never more surprised than when he heard the contempt which was thrown upon this Amendment both by the Prime Minister and the Minister for Education. The Prime Minister talked of it as innocent, but meaningless, and the Minister for Education dealt with it in even stronger terms. The main criticism which was passed upon it was that it was inconsistent with the Act of 1870. Judging by the speech of the Minister of Education anything which was inconsistent with that inviolable statute was bad, and yet that measure had been torn to tatters by the Bill of the same right hon. Gentleman. He did not think that the House ought to be afraid at the point which they had now reached of passing Amendments to a statute which in many respects had become obsolete. In regard to this

particular Amendment, there was none in the whole list of the Lords' proposals upon which one would more gladly go to the country and find out the will of the nation than upon this. He believed that the ordinary man, whether he was religious himself or not religious, wished that some religious teaching should be given to his children. The question had been put whether they should upset the Act of 1870, but he thought the answer to that was, first of all that this Bill already upset that Act, in shattering the great voluntary school system and with it destroying a great religious organisation and corporate attachment binding the scholars to their respective communions.

*MR. SPEAKER said the hon. Member was now discussing the Lords' Amendment which he was not entitled to do. He could, however, show cause why the Lords' Amendment particularly referred to in the Amendment should be excepted from the general rule which they were discussing.

*MR. BUTCHER said he would try to confine himself within the narrow limits which Mr. Speaker had laid down, but he would point out that not only were the whole of the arrangements of 1870 upset, but there was now in the country a new force consisting in a growing body of secularists. At present it was true they were in a minority, but they were a militant minority, and although small were well organised. It seemed to him that the real issue before the country in this Bill was whether education should be secular or religious. It was religion itself that was in jeopardy under this Bill. The Bill as drafted halted between two opinions.

*MR. SPEAKER said he was afraid he did not make himself clear to the hon. Member when he last spoke. The hon. Member was trying to discuss the Lords' Amendments, but that he could not do at the present stage. There would be a further stage at which he might do that. The hon. Member was confined to discussing whether at the future stage this particular Amendment might be discussed. At the present stage he

must confine himself strictly to the Amendment before the House.

MR. BUTCHER said in that case he would reserve his further remarks.

*MR. BRIDGEMAN (Shropshire, Oswestry) said it had been objected by the right hon. Gentleman that the proposals made amounted to Pan-denominationalism, but he thought that this Amendment did not necessarily introduce Pan-denominationalism, because it would be quite possible to pass it and yet for teaching to go on under the section, and the same Cowper-Temple teaching to be given as before. Those who had spoken on behalf of the Government had said that they were particularly anxious to get the Bill through. He asked whether their chances of getting the Bill through would be endangered if they allowed this Amendment to be considered by itself, and if they allowed the House to agree with the least contentious of the Lords' Amendments.

MR. BOWLES (Lambeth, Norwood) said the Minister for Education had stated that he saw no reason why this particular Amendment should be exempted from the ordinary operation of the Resolution of the Prime Minister, and that they need be under no apprehension, because it would be competent for them, as soon as the proposal before the House was disposed of, to discuss this as well as the other Amendments which had come down from the other House. That was true, but the scheme of the Government would only enable them to discuss this Amendment as well as others, and they would not be allowed to come to a decision upon it. The Government was not afraid of discussion in the House, but apparently it was afraid of a decision, and that seemed to be the reason which had actuated them in adopting the policy they had pursued. Nearly everyone who had spoken had intimated in the plainest possible terms that he saw nothing to object to, and indeed agreed with the Amendment, and the right hon. Gentleman in charge of the Bill had said the same. The Amendment met with general acceptance in all quarters of the House, and

he believed that if it were excepted from the ordinary operation of the Resolution it would be adopted. He regretted that the Government had not had the courage to allow them to discuss this particular question and to decide upon it, and if his hon. friend went to a

division he should certainly go into the Lobby with him.

Question put.

The House divided:—Ayes, 104; Noes, 306. (Division List No. 487.)

AYES.

Anson, Sir William Reynell
Anstruther-Gray, Major
Aubrey-Fletcher, Rt. Hon. Sir H.
Balcarras, Lord
Baldwin, Alfred
Balfour, Rt. Hon. A. J. (City Lond.)
Banner, John S. Harwood-
Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Beckett, Hon. Gervase
Bignold, Sir Arthur
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Burdett-Coutts, W.
Butcher, Samuel Henry
Carlile, E. Hildred
Carson, Rt. Hon. Sir Edw. H.
Cave, George
Cavendish, Rt. Hon. Victor C. W.
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Chamberlain, Rt. Hon. J. A. (Worc)
Cochrane, Hon. Thos. H. A. E.
Collings, Rt. Hon. J. (Birmingham)
Corbett, T. L. (Down, North)
Courthope, G. Loyd
Craig, Capt. James (Down, E.)
Craik, Sir Henry
Dickinson, W. H. (St. Pancras, N)
Dixon-Hartland, Sir Fred Dixon
Doughty, Sir George
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Duncan, Robt. (Lanark, Govan)

Faber, George Denison (York)
Faber, Capt. W. V. (Hants, W.)
Fardell, Sir T. George
Fell, Arthur
Finch, Rt. Hon. George H.
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Haddock, George R.
Hambro, Charles Eric
Hamilton, Marquess of
Hardy, Laurence (Kent, Ashford)
Hay, Hon. Claude George
Healy, Timothy Michael
Heaton, John Henniker
Helmley, Viscount
Hervey, F. W. F. (Bury S. Edm'ds)
Hills, J. W.
Hornby, Sir William Henry
Houston, Robert Paterson
Hunt, Rowland
Kenyon-Slaney, Rt. Hon. Col. W.
Kewick, William
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Law, Andrew Bonar (Dulwich)
Lee, Arthur H. (Hants., Fareham)
Liddell, Henry
Long, Col. Chas. W. (Evesham)
Long, Rt. Hon. Walter (Dublin, S.)
Lowe, Sir Francis William
Lyttelton, Rt. Hon. Alfred
Magnus, Sir Philip
Mason, James F. (Windsor)
Morpeth, Viscount
Nicholson, Wm. G. (Petersfield)

Nield, Herbert
O'Neill, Hon. Robert Torrens
Parkes, Ebenezer
Pease, Herbert Pike (Darlington)
Percy, Earl
Powell, Sir Francis Sharp
Rasch, Sir Frederic Carne
Rawlinson, John Frederick Peel
Remnant, James Farquharson
Roberts, S. (Sheffield, Ecclesall)
Rothschild, Hon. Lionel Walter
Rutherford, John (Lancashire)
Salter, Arthur Clavell
Sassoon, Sir Edward Albert
Smith, Abel H. (Hertford, East)
Smith, F. E. (Liverpool, Walton)
Smith, Hon. W. F. D. (Strand)
Stanley, Hn. Arthur (Ormskirk)
Starkey, John R.
Staveley-Hill, Henry (Staffs' h.)
Stone, Sir Benjamin
Talbot, Lord E. (Chichester)
Thomson, W. Mitchell (Lanark)
Thornton, Percy M.
Vincent, Col. Sir C. E. Howard
Walrand, Hon. Lionel
Warde, Col. C. E. (Kent, Mid.)
Williams, Col. R. (Dorset, W.)
Wilson, A. Stanley (York, E. R.)
Wolff, Gustav Wilhelm
Wortley, Rt. Hon. C. B. Stuart-
Younger, George

TELLERS FOR THE AYES—Sir
Alexander Acland-Hood and
Viscount Valentia.

NOES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Adkins, W. Ryland D.
Agnew, George William
Ainsworth, John Stirling
Alden, Percy
Allen, Charles P. (Stroud)
Armistage, R.
Ashton, Thomas Gair
Asquith, Rt. Hon. Herbert Henry
Astbury, John Meir
Atherley-Jones, L.
Baker, Sir John (Portsmouth)
Baring, Godfrey (Isle of Wight)
Barker, John
Barlow, Percy (Bedford)
Barnard, E. B.
Barran, Rowland Hirst
Beale, W. P.
Beauchamp, E.
Baumont, Hn. W. C. B. (Hexham)

Beck, A. Cecil
Bellairs, Carlyon
Benn, W. T. W. Hamlets, S. Geo.
Berridge, T. H. D.
Bethell, Sir J. H. (Essex, Romford)
Bethell, T. R. (Essex, Maldon)
Billson, Alfred
Birrell, Rt. Hon. Augustine
Black, Arthur W. (Bedfordshire)
Boulton, A. C. F. (Ramsey)
Brace, William
Bramson, T. A.
Brigg, John
Bright, J. A.
Brodie, H. C.
Brooke, Stopford
Brunner, Rt. Hon. Sir J. T. (Chesh.)
Bryce, Rt. Hon. James (Aberdeen)
Bryce, J. A. (Inverness Burghs)
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John

Burnyeat, W. J. D.
Burt, Rt. Hon. Thomas
Buxton, Rt. Hon. Sydney Chas.
Byles, William Pollard
Cairns, Thomas
Cameron, Robert
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hon. Richard Knight
Chance, Frederick William
Channing, Sir Francis Allston
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Winston Spencer
Clough, William
Clynes, J. R.
Coats, Sir T. Glen (Renfrew, W.)
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W.)
Corbett, Ch. (Sussex, E. Grinstead)

Mr. Bowles.

Cory, Clifford John
 Cotton, Sir H. J. S.
 Cowan, W. H.
 Craig, Herbert J. (Tynemouth)
 Cremer, William Randal
 Crombie, John William
 Dalmeny, Lord
 Davies, David (Montgomery Co.)
 Davies, Ellis William (Eifion)
 Davies, M. Vaughan (Cardigan)
 Davies, Timothy (Fulham)
 Dewar, Arthur (Edinburgh, S.)
 Dickson-Poynder, Sir John P.
 Dilke, Rt. Hon. Sir Charles
 Dobson, Thomas W.
 Duncan, C. (Barrow-in-Furness)
 Dunn, A. Edward (Camborne)
 Dunne, Major E. Martin (Walsall)
 Edwards, Clement (Denbigh)
 Edwards, Enoch (Hanley)
 Edwards, Frank (Radnor)
 Elibank, Master of
 Ellis, Rt. Hon. John Edward
 Erskine, David C.
 Essex, R. W.
 Evans, Samuel T.
 Everett, R. Lacey
 Faber, G. H. (Boston)
 Fenwick, Charles
 Ferens, T. R.
 Fiennes, Hon. Eustace
 Findlay, Alexander
 Foster, Rt. Hon. Sir Walter
 Fowler, Rt. Hon. Sir Henry
 Freeman, Thomas, Freeman
 Fuller, John Michael F.
 Fullerton, Hugh
 Gibb, James (Harrow)
 Gladstone, Rt. Hn. Herbert John
 Glover, Thomas
 Gooch, George Peabody
 Grant, Corrie
 Greenwood, G. (Peterborough)
 Greenwood, Hamar (York)
 Grey, Rt. Hon. Sir Edward
 Griffith, Ellis J.
 Guest, Hon. Ivor Churchill
 Gulland, John W.
 Gurdon, Sir W. Brampton
 Harcourt, Rt. Hon. Lewis
 Harmsworth, Cecil B. (Worc'r.)
 Hart-Davies, T.
 Harvey, A. G. C. (Rochdale)
 Haslam, George
 Haslam, Lewis (Monmouth)
 Haworth, Arthur A.
 Hazel, Dr. A. E.
 Hedges, A. Paget
 Helme, Norval Watson
 Hemmerde, Edward George
 Henderson, Arthur (Durham)
 Henry, Charles S.
 Herbert, T. Arnold (Wycombe)
 Higham, John Sharp
 Hobart, Sir Robert
 Hobhouse, Charles E. H.
 Hodge, John
 Holden, E. Hopkinson
 Holland, Sir William Henry
 Hooper, A. G.
 Hope, John Deans (Fife, West)
 Hope, W. Bateman (Somerset N.)
 Horridge, Thomas Gardner

Howard, Hon. Geoffrey
 Hudson, Walter
 Hutton, Alfred Eddison
 Hyde, Clarendon
 Idris, T. H. W.
 Illingworth, Percy H.
 Jacoby, Sir James Alfred
 Jardine, Sir J.
 Jenkins, J.
 Johnson, W. Nuneaton
 Jones, Sir D. Brynmor (Swansea)
 Jones, Leif (Appleby)
 Kearley, Hudson E.
 Kelley, George D.
 Kincaid-Smith, Captain
 King, Alfred John (Knutsford)
 Kitson, Rt. Hon. Sir James
 Lambert, George
 Lamont, Norman
 Langley, Batty
 Layland-Barratt, Francis
 Leese, Sir Joseph F. (Accrington)
 Lehmann, R. C.
 Lever, A. Levy (Essex, Harwich)
 Levy, Maurice
 Lewis, John Herbert
 Lloyd-George, Rt. Hon. David
 Lough, Thomas
 Luttrell, Hugh Fownes
 Lyell, Charles Henry
 Lynch, H. B.
 Macdonald, J. M. (Falkirk B'gh)
 Macdonald, Frederic C.
 Maclean, Donald
 Macnamara, Dr. Thomas J.
 M'Arthur, William
 M'Callum, John M.
 M'Crae, George
 M'Hugh, Patrick A.
 M'Laren, Sir C. B. (Leicester)
 M'Laren, H. D. (Stafford, W.)
 M'Micking, Major G.
 Maddison, Frederick
 Mallet, Charles E.
 Mansfield, Harry (Northants)
 Mansfield, H. Rendall (Lincoln)
 Markham, Arthur Basil
 Marks, G. Croydon (Launceston)
 Marnham, F. J.
 Massie, J.
 Masterman, C. F. G.
 Micklem, Nathaniel
 Molteno, Percy Alport
 Money, L. G. Chiozza
 Montagu, E. S.
 Morgan, G. Hay (Cornwall)
 Morley, Rt. Hon. John
 Morrell, Philip
 Morse, L. L.
 Morton, Alpheus Cleophas
 Myer, Horatio
 Napier, T. B.
 Newnes, F. (Notts, Bassetlaw)
 Nicholls, George
 Norman, Sir Henry
 Norton, Capt. Cecil William
 Nussey, Thomas Willans
 Nuttall, Harry
 O'Donnell, C. J. (Walworth)
 Partington, Oswald
 Paul, Herbert
 Paulton, James Mellor
 Pearce, Robert (Staffs. Leek)

Perks, Robert William
 Philipps, Col. Ivor (S'th'mpton)
 Philipps, J. Wynford (Pembroke)
 Pickersgill, Edward Hare
 Pollard, Dr.
 Price, C. E. (Edinb'gh, Central)
 Priestley, W. E. B. (Bradford, E.)
 Radford, G. H.
 Rainy, A. Rolland
 Raphael, Herbert H.
 Rea, Russell (Gloucester)
 Rea, Walter Russell (Scarboro')
 Rees, J. D.
 Rendall, Athelstan
 Renton, Major Leslie
 Richards, Thos. (W. Monm'th)
 Richardson, A.
 Rickett, J. Compton
 Ridsdale, E. A.
 Roberts, Chas. H. (Lincoln)
 Roberts, G. H. (Norwich)
 Roberts, John H. (Denbighs.)
 Robertson, Rt. Hn. E. (Dundee)
 Robertson, Sir G. Scott (Bradfr'd)
 Robinson, S.
 Robson, Sir William Snowdon
 Roe, Sir Thomas
 Rogers, F. E. Newman
 Rose, Charles Day
 Rowlands, J.
 Runciman, Walter
 Russell, T. W.
 Rutherford, V. H. (Brentford)
 Samuel, Herbert L. (Cleveland)
 Scarisbrick, T. T. L.
 Schwann, Sir C. E. (Manchester)
 Scott, A. H. (Ashton-under-Lyne)
 Seaverns, J. H.
 Seely, Major J. B.
 Shaw, Charles Edw. (Stafford)
 Shaw, Rt. Hon. T. (Hawick B.)
 Sherwell, Arthur James
 Shipman, Dr. John G.
 Silcock, Thomas Ball
 Sinclair, Rt. Hon. John
 Sloan, Thomas Henry
 Smeaton, Donald Mackenzie
 Snowden, P.
 Soames, Arthur Wellesley
 Soares, Ernest J.
 Spicer, Sir Albert
 Stanger, H. Y.
 Stanley, Hn. A. Lyulph (Chesh.)
 Stewart, Halley (Greenock)
 Strachey, Sir Edward
 Strauss, E. A. (Abingdon)
 Summerbell, T.
 Taylor, John W. (Durham)
 Taylor, Theodore C. (Radcliffe)
 Tennant, H. J. (Berwickshire)
 Thomas, Abel (Carmarthen, E.)
 Thomas, Sir A. (Glamorgan, E.)
 Thomasson, Franklin
 Tillet, Louis John
 Tomkinson, James
 Toulmin, George
 Trevelyan, Charles Philips
 Ure, Alexander
 Verney, F. W.
 Vivian, Henry
 Walsh, Stephen
 Walters, John Tudor
 Walton, Sir John L. (Leeds S.).

Walton, Joseph (Barnsley)
 Ward, John (Stoke upon Trent)
 Ward, W. Dudley (South'mpton)
 Wardle, George J.
 Wason, Eugene (Clackmannan)
 Wason, John Cathcart (Orkney)
 Watt, H. Anderson
 Whitbread, Howard
 White, George (Norfolk)
 White, J. D. (Dumbartonshire)

White, Luke (York, E. R.)
 Whitehead, Rowland
 Whitley, J. H. (Halifax)
 Whittaker, Sir Thomas Palmer
 Williams, J. (Glamorgan)
 Williams, Llewelyn (Carmarth'n)
 Williams, Osmond (Merioneth)
 Wilson, Hn. C. H. W. (Hull, W.)
 Wilson, Henry J. (York, W. R.)
 Wilson, John (Durham, Mid.)

Wilson, J. H. (Middlesbrough)
 Wilson, J. W. (Worcestersh. N.)
 Wilson, W. T. (Westhoughton)
 Winfrey, R.
 Yoxall, James Henry

TELLERS FOR THE NOES—Mr.
 Whiteley and Mr. J. A.
 Pease.

*MR. C. J. O'DONNELL (Newington, Walworth) moved to add at the end of the Question the words "except in regard to Clause 4." He said he intervened in this great controversy with considerable hesitation. He sincerely accepted every portion of the Bill and had voted for every clause. After the Minister of Education granted the right of appeal under Clause 4 that clause might be regarded as a fair compromise. It was quite true that half the Roman Catholic schools were excluded from its operation. but he supported it because he had greater confidence in the local authority than hon. Gentlemen opposite. He knew that in London, and in South London particularly, they had acted with great generosity to the Roman Catholic schools. He welcomed any suggestion of concession. After the speech of the Minister of Education yesterday it was manifest that there was in the mind of the Government some consideration, which would admit of these small poor Roman Catholic schools being brought within the operation of the clause. It would in his opinion be peculiarly becoming if these concessions were made, not at the suggestion of the House of Lords, but by this House to hon. Members representing Ireland. It was as well to remember that the Irish Party in past years had been the comrades of English Liberals in many a hard-fought battle for English reform. This year they had been fellow workers with the Liberal and Labour Parties on social questions, and it would therefore be becoming for the Liberals in this House to meet them at once. The Leader of the Irish Party yesterday had stated plainly his desire to support the Government, and if they would put down their proposed concessions in an absolutely clear form they would carry with them the whole of the Irish Party. The Bill would then go to the House of Lords with double the strength it otherwise would have. If the Govern-

ment proposed changes in Clause 4, why should they not do it at once with the assistance of hon. Gentlemen representing Irish constituencies? In regard to the homogeneous schools, he considered the difference between urban and rural to be unreasonable and unworkable. The figure of 5,000 was an arbitrary one. What town in England with half that population would not be insulted if it were called a village? In this connection he wished to call attention to the moderation of the Irish demands. They plainly said they did not want the Clause 4 special facilities in single school areas. Another point of importance with regard to homogeneous schools was that of the influence of parents.

*MR. SPEAKER: The hon. Gentleman is not entitled to discuss the Amendment. All he is entitled to do is to give reasons why the Amendment should at some future time be discussed.

*MR. C. J. O'DONNELL said he would merely say that it was advisable for the Government without delay to introduce Amendments. He would ask them to observe what had been the result of not introducing Amendments which they were known to be in favour of. At Huddersfield the Conservative poll was increased by 500, while the Liberal poll was decreased by 500, and that was entirely due to the transference of 500 Catholic votes. He was afraid that if concessions were not made Nonconformists would hurry their Party on to the rocks—certainly in Lancashire and Yorkshire seats would be lost if there were any by-elections. In East Manchester there were 1,800 Irish Catholic voters, and at the last election they voted solidly for the Liberal candidate and put him in at the top of the poll. If these concessions were not made and there were a by-election in East Manchester to-day there was no doubt that the

Irish Catholic votes would go over to the Conservative candidate, and he would be returned by a large majority. As an Irishman and a Catholic, he would refuse to accept any advantage for his own religion that would injure the Nonconformists of England. He knew that all the civil rights possessed by Catholics were owing to the good will and justness of heart of the Free Churches of England; but he begged his friends on that side of the House to hesitate before they drove the large Irish electorate of Lancashire, South London, and other places where they mostly congregated, into the arms of the Tory Peers. That was a fate from which he was anxious to save his fellow-countrymen. He desired to see the alliance between the Liberals and the Catholics in this country maintained, and with that object he begged to move the Amendment standing in his name.

MR. WALSH (Lancashire, Ince) seconded the Amendment. He said he did so with some hesitation, first of all because of the high constitutional issues that were involved in that day's proceedings, and, secondly, because of the exceeding difficulty of keeping in order. Men of high medical attainments, men of legal attainments, and some professors in Universities had all fallen, not exactly under Mr. Speaker's ban, but under his gentle admonition. He seconded the Amendment on quite other grounds than had been advanced by the mover. A great deal had been said both on the Second Reading and in the Committee stage about concessions to Roman Catholics. Time after time he had heard the Minister for Education avow that Clause 4 was frankly denominational—recognising as he did certain existing conditions from which it was difficult to get away—and they with equal frankness ought to recognise that fact and to disavow the terms of Clause 4 as being in the nature of a concession. It did not extend merely to Roman Catholics. He knew very many schools in the Church of England which had just as much claim as Roman Catholic schools, and, indeed, to the credit of Clause 4, it would give them the same measure of justice as the Roman Catholics. It

would also give to Wesleyans the same rights wherever the clause was brought into operation, and therefore he refused to consider it as a concession to Roman Catholics at all, but a concession to that condition of things described by the Minister in charge of the Bill as frankly denominational. Let them consider the appeals made on that side of the House. During the debates he had felt how strong, convincing, and sincere were those appeals. As to the clause being made mandatory, he absolutely agreed with all his associates and a large number on the other side. He felt certain that the appeal for the parents' committee ought to have been granted. He himself had been for many years engaged in the work of negotiation, and did not believe in the policy of bluff. A thing, if it were right, ought to be done for itself and because it was right, and not because of the possibility that might hereafter come into existence of making arrangements or bargains with other people. He was convinced from the speeches made by right hon. Gentlemen on the Front Bench that they believed the appeals made from each side of the House were based upon moderation and right, and it was upon those lines and not upon those of political expediency, that they ought to recognise the inherent justice of the clause and deal with it. No Member of this House more recognised the high constitutional issue and the gravity of the issue involved in these proceedings than he did. On the general principles of the Bill he and his friends had been heartily in support of the Government, but he believed they ought to put themselves right in this House and meet their friends as far as they possibly could, not merely the Roman Catholics, but every case in which Clause 4 could be brought into operation. He held that the further extension of Clause 4, which might very well result from the discussion of these Amendments, would have the effect of strengthening the hands of the Government in the conflict in which they might possibly be engaged. The Government, if it was to enter into that battle, should enter into it as a strong man armed, having done its best to meet every possible appeal for fairness, and knowing that the chances of success were much greater

because it had its quarrel just. On these grounds he seconded the Amendment.

Amendment proposed—

“At the end of the Question, to add the words ‘except in regard to Amendments to Clause 4.’”—(*Mr. C. J. O'Donnell*).

Question proposed, “That those words be there added.”

MR. BIRRELL said the hon. Member of course knew that in pleading on behalf of Clause 4 he was preaching to the converted. He had never been unwilling to see that clause strengthened; but, anxious to be in order, he was not entitled to deal with the subject except in so far as reasons had been urged for exempting this clause from the purview of the Resolution now before the House. But Clause 4 would be as likely to receive discussion upon the Resolution as if it were separated from the Resolution. There would be nothing to prevent that discussion, and there would not be the restrictions that accompanied the Committee stage. He would do his best to deal with the various points presented in the course of the general discussion, but it was not advisable to make this exception.

MR. A. J. BALFOUR said he should vote for the Amendment, for he recognised the advantage of discussing a particular question isolated from a number of others. If they were asked to deal with nine or ten important questions at the same time it was manifest they could not divide upon a distinct issue or obtain a definite answer upon it. They did not all know what was the policy of the Government in regard to Clause 4 or how far they would be willing to modify their original proposal to meet the views of the House of Lords, or whether they intended to modify them at all. He saw no chance of having a clear, precise, sharply-cut discussion upon what was the most important clause in the Bill, and this could not be had unless it was isolated from the vague, general, and necessarily loose discussion which must take place if they embodied in one Resolution all the complex questions contained in the Lords' Amendments. For those reasons he should support the Amendment.

Question put.

The House divided :—Ayes, 106 ; Noes, 306. (Division List No. 488.)

AYES.

Acland-Hood, Rt. Hon. Sir Alex. F.
Anson, Sir William Reynell
Anstruther-Gray, Major
Aubrey-Fletcher, Rt. Hon. Sir H.
Balcarras, Lord
Balfour, Rt. Hon. A. J. (City Lond.
Balfour, Capt. C. B. (Hornsey)
Barrie, H. T. (Londonderry, N.)
Beach, Hon. Michael Hugh Hicks
Beckett, Hon. Gervase
Benn, W. (T'w'r Hamlets, S. Geo.)
Bignold, Sir Arthur
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Bull, Sir William James
Burdett-Coutts, W.
Burnyeat, W. J. D.
Butcher, Samuel Henry
Carlile, E. Hildred
Carson, Rt. Hon. Sir Edw. H.
Cave, George
Cavendish, Rt. Hon. Victor C. W.
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey.
Cecil, Lord R. (Marylebone, E.)
Chamberlain, Rt. Hon. J. A. (Worc)
Clynes, J. R.
Cochrane, Hon. Thos. H. A. E.
Corbett, T. L. (Down, North)
Cox, Harold
Craig, Capt. James (Down, E.)

Craik, Sir Henry
Dixon-Hartland, Sir Fred Dixon
Doughty, Sir George
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Duncan, Robert (Lanark, Govan)
Faber, George Denison (York)
Fell, Arthur
Finch, Rt. Hon. George H.
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Glover, Thomas
Haddock, George R.
Hamilton, Marquess of
Hardy, Laurence (Kent, Ashford)
Hay, Hon. Claude George
Healy, Timothy Michael
Heaton, John Henniker
Helmshley, Viscount
Hervey, F. W. F. (Bury S. Edmds)
Hornby, Sir William Henry
Horridge, Thomas Gardner
Houston, Robert Paterson
Hunt, Rowland
Kinnaway, Rt. Hon. Sir John H.
Kenyon-Slaney, Rt. Hon. Col. W.
Kewbick, William
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Law, Andrew Bonar (Dulwich)
Lee, Arthur H. (Hants., Fareh'm)

Liddell, Henry
Long, Col. Chas. W. (Evesham)
Long, Rt. Hon. Walter (Dublin, S.)
Lowe, Sir Francis William
Lyttelton, Rt. Hon. Alfred
Magnus, Sir Philip
Mason, James F. (Windsor)
Morpeth, Viscount
Nield, Herbert
O'Brien, William (Cork)
O'Neill, Hon. Robert Torrens
Pease, Herbert Pike (Darlington)
Percy, Earl
Powell, Sir Francis Sharp
Rasch, Sir Frederic Carne
Rawlinson, John Frederick Peel
Remnant, James Farquharson
Roche, Augustine (Cork)
Rothschild, Hon. Lionel Walter
Rutherford, John (Lancashire)
Salter, Arthur Clavell
Sassoon, Sir Edward Albert
Scott, Sir S. (Marylebone, W.)
Smith, Abel H. (Hertford, East)
Smith, F. E. (Liverpool, Walton)
Smith, Hon. W. F. D. (Strand)
Starkey, John R.
Staveley-Hill, Henry (Staff'sh.)
Stone, Sir Benjamin
Summerbell, T.
Talbot, Lord E. (Chichester)
Taylor, John W. (Durham)

Mr. Walsh.

Thomson, W. Mitchell-(Lanark)
 Thornton, Percy M.
 Valentia, Viscount
 Vincent, Col. Sir C. E. Howard
 Walrond, Hon. Lionel

Warde, Col. C. E. (Kent, Mid)
 Williams, Col. R. (Dorset, W.)
 Wolff, Gustav Wilhelm
 Wortley, Rt. Hn. C. B. Stuart-
 Younger, George

TELLERS FOR THE AYES—Mr.
 C. J. O'Donnell and Mr.
 Walsh.

NOES.

Abraham, William (Rhondda)
 Acland, Francis Dyke
 Adkins, W. Ryland D.
 Agnew, George William
 Ainsworth, John Stirling
 Alden, Percy
 Allen, Charles P. (Stroud)
 Armitage, R.
 Ashton, Thomas Gair
 Asquith, Rt. Hn. Herbert Henry
 Astbury, John Meir
 Atherley-Jones, L.
 Baker, Sir John (Portsmouth)
 Balfour, Robert (Lanark)
 Baring, Godfrey (Isle of Wight)
 Barker, John
 Barlow, Percy (Bedford)
 Barnard, E. B.
 Barran, Rowland Hirst
 Beauchamp, E.
 Beaumont, Hn. W. C. B. (Hexham)
 Beck, A. Cecil
 Bellairs, Carlyon
 Berridge, T. H. D.
 Bethell, Sir J. H. (Essex, Romf'rd)
 Bethell, T. R. (Essex, Maldon)
 Billson, Alfred
 Birrell, Rt. Hon. Augustine
 Black, Arthur W. (Bedfordshire)
 Boulton, A. C. F. (Ramsey)
 Brace, William
 Bramsdon, T. A.
 Brigg, John
 Bright, J. A.
 Brodie, H. C.
 Brooke, Stopford
 Brunner, Rt. Hn. Sir J. T. (Chesh.)
 Bryce, Rt. Hn. James (Aberdeen)
 Bryce, J. A. (Inverness Burghs)
 Buchanan, Thomas Ryburn
 Burns, Rt. Hon. John
 Burt, Rt. Hon. Thomas
 Buxton, Rt. Hn. Sydney Chas.
 Byles, William Pollard
 Cairns, Thomas
 Cameron, Robert
 Campbell-Bannerman, Sir H.
 Carr-Gomm, H. W.
 Causton, Rt. Hn. Richard Knight
 Chance, Frederick William
 Channing, Sir Francis Allston
 Cheetham, John Frederick
 Churchill, Winston Spencer
 Clough, William
 Cobbold, Felix Thornley
 Collins, Stephen (Lambeth)
 Collins, Sir Wm. J. (S. Pancras, W.)
 Corbett, CH (Sussex, E. Grinst'd)
 Cornwall, Sir Edwin A.
 Cory, Clifford John
 Cotton, Sir H. J. S.
 Cowan, W. H.
 Craig, Herbert J. (Tynemouth)
 Cremer, William Randal

Crombie, John William
 Crooks, William
 Dalmeny, Lord
 Dalziel, James Henry
 Davies, David (Montgomery Co)
 Davies, Ellis William (Eifion)
 Davies, M. Vaughan-(Cardigan)
 Davies, Timothy (Fulham)
 Dewar, Arthur (Edinburgh, S.)
 Dickinson, W. H. (St. Pancras, N.)
 Dickson-Poynder, Sir John P.
 Dilke, Rt. Hon. Sir Charles
 Dobson, Thomas W.
 Duncan, C. (Barrow-in-Furness)
 Duncan, J. H. (York, Otley)
 Dunn, A. Edward (Cambridge)
 Dunne, Major E. Martin (Walsall)
 Edwards, Enoch (Hanley)
 Elibank, Master of
 Ellis, Rt. Hon. John Edward
 Erskine, David C.
 Essex, R. W.
 Evans, Samuel T.
 Everett, R. Lacey
 Faber, G. H. (Boston)
 Fenwick, Charles
 Ferens, T. R.
 Fiennes, Hon. Eustace
 Findlay, Alexander
 Foster, Rt. Hon. Sir Walter
 Fowler, Rt. Hon. Sir Henry
 Freeman-Thomas, Freeman
 Fuller, John Michael F.
 Fullerton, Hugh
 Gibb, James (Harrow)
 Gladstone, Rt. Hn. Herbert John
 Gooch, George Peabody
 Grant, Corrie
 Greenwood, G. (Peterborough)
 Greenwood, Hamar (York)
 Grey, Rt. Hon. Sir Edward
 Griffith, Ellis J.
 Guest, Hon. Ivor Churchill
 Gulland, John W.
 Gurdon, Sir W. Brampton
 Harcourt, Rt. Hon. Lewis
 Harmsworth, Cecil B. (Worc'r)
 Hart-Davies, T.
 Harvey, A. G. C. (Rochdale)
 Harwood, George
 Haslam, Lewis (Monmouth)
 Haworth, Arthur A.
 Hazel, Dr. A. E.
 Hedges, A. Paget
 Helme, Norval Watson
 Hemmerde, Edward George
 Henderson, Arthur (Durham)
 Henderson, J. M. (Aberdeen, W.)
 Henry, Charles S.
 Herbert, Col. Ivor (Moa., S.)
 Herbert, F. Arnold (Wycombe)
 Higham, John Sharp
 Hobart, Sir Robert
 Hobhouse, Charles E. H.

Hodge, John
 Holden, E. Hopkinson
 Holland, Sir William Henry
 Hooper, A. G.
 Hope, John Deans (Fife, West)
 Hope, W. Bateman (Somerset N.)
 Howard, Hn. Geoffrey
 Hudson, Walter
 Hutton, Alfred Eddison
 Hyde, Clarendon
 Idris, T. H. W.
 Illingworth, Percy H.
 Isaacs, Rufus Daniel
 Jacoby, Sir James Alfred
 Jardine, Sir J.
 Jenkins, J.
 Johnson, John (Gateshead)
 Johnson, W. (Nuneaton)
 Jones, Sir D. Brynmor (Swansea)
 Jones, Leif (Appleby)
 Kearley, Hudson E.
 Kelley, George D.
 Kinesid-Smith, Captain
 King, Alfred John (Knutsford)
 Kitson, Rt. Hon. Sir James
 Lamb, Ernest H. (Rochester)
 Lambert, George
 Lamont, Norman
 Langley, Batty
 Layland-Barratt, Francis
 Leese, Sir Joseph F. (Accrington)
 Lehmann, R. C.
 Lever, A. Levy (Essex, Harwich)
 Levy, Maurice
 Lewis, John Herbert
 Lloyd-George, Rt. Hon. David
 Lough, Thomas
 Luttrell, Hugh Fownes
 Lyell, Charles Henry
 Lynch, H. B.
 Macdonald, J. M. (Falkirk B'ghs)
 Mackarness, Frederic C.
 Maclean, Donald
 Macnamara, Dr. Thomas J.
 McArthur, William
 McCallum, John M.
 McCrae, George
 McLaren, H. D. (Stafford, W.)
 M'Micking, Major G.
 Maddison, Frederick
 Mallet, Charles E.
 Manfield, Harry (Northants)
 Mansfield, H. Rendall (Lincoln)
 Markham, Arthur Basil
 Marks, G. Croydon (Launceston)
 Marnham, F. J.
 Massie, J.
 Masterman, C. F. G.
 Micklem, Nathaniel
 Molteno, Percy Alport
 Money, L. G. Chiozza
 Montagu, E. S.
 Morgan, G. Hay (Cornwall)
 Morley, Rt. Hon. John

Morrell, Philip
 Morse, L. L.
 Morton, Alpheus Gleophas
 Myer, Horatio
 Napier, T. B.
 Newnes, F. Notts (Bassetlaw)
 Newnes, Sir George (Swansea)
 Nicholls, George
 Norman, Sir Henry
 Norton, Capt. Cecil William
 Nussey, Thomas Willans
 Nuttall, Harry
 Partington, Oswald
 Paul, Herbert
 Paulton, James Mellor
 Pearce, Robert (Staffs. Leek)
 Perks, Robert William
 Philipps, Col. Ivor (S'thampton)
 Philipps, J. Wynford (Pembroke)
 Pickersgill, Edward Hare
 Pollard, Dr.
 Price, C. E. (Edinb'gh, Central)
 Price, Robt. John (Norfolk, E.)
 Priestley, W. E. B. (Bradford, E.)
 Radford, G. H.
 Rainy, A. Rolland
 Raphael, Herbert H.
 Rea, Russell (Gloucester)
 Rea, Walter Russell (Scarboro')
 Rees, J. D.
 Rendall, Athelstan
 Renton, Major Leslie
 Richards, Thos. (W. Monm'th)
 Richardson, A.
 Rickett, J. Compton
 Ridsdale, E. A.
 Roberts, Charles H. (Lincoln)
 Roberts, G. H. (Norwich)
 Roberts, John H. (Denbighs.)
 Robertson, Rt. Hn. E. (Dundee)

Robertson, Sir G. Scott (Bradford)
 Robinson, S.
 Robson, Sir William Snowdon
 Roe, Sir Thomas
 Rogers, F. E. Newman
 Rose, Charles Day
 Rowlands, J.
 Runciman, Walter
 Russell, T. W.
 Rutherford, V. H. (Brentford)
 Samuel, Herbert L. (Cleveland)
 Samuel, S. M. (Whitechapel)
 Scarisbrick, T. T. L.
 Schwann, C. Duncan (Hyde)
 Schwann, Sir C. E. (Manchester)
 Scott, A. H. (Ashton under Lyne)
 Sears, J. E.
 Seaverns, J. H.
 Seely, Major J. B.
 Shaw, Charles Edw. (Stafford)
 Shaw, Rt. Hon. T. (Hawick B.)
 Sherwell, Arthur James
 Shipman, Dr. John G.
 Silcock, Thomas Ball
 Sinclair, Rt. Hon. John
 Sloan, Thomas Henry
 Smeaton, Donald Mackenzie
 Soames, Arthur Wellesley
 Soares, Ernest J.
 Stanger, H. Y.
 Stanley, Hn. A. Lyulph (Chesh.)
 Stewart, Halley (Greenock)
 Straus, B. S. (Mile End)
 Strauss, E. A. (Abingdon)
 Taylor, Theodore C. (Radcliffe)
 Tennant, H. J. (Berwickshire)
 Thomas, Abel (Carmarthen, E.)
 Thomas, Sir A. (Glamorgan, E.)
 Thomasson, Franklin
 Thompson, J. W. H. (Somerset, E.)

Tillet, Louis John
 Toulmin, George
 Trevelyan, Charles Philips
 Verney, F. W.
 Vivian, Henry
 Walters, John Tudor
 Walton, Sir John L. (Leeds, S.)
 Walton, Joseph (Barnsley)
 Ward, John (Stoke upon Trent)
 Ward, W. Dudley (Southampton)
 Wardle, George J.
 Wason, Eugene (Clackmannan)
 Wason, John Catheart (Orkney)
 Waterlow, D. S.
 Watt, H. Anderson
 Wedgwood, Josiah C.
 Whitbread, Howard
 White, George (Norfolk)
 White, J. D. (Dumbartonshire)
 White, Luke (York, E. R.)
 Whitehead, Rowland
 Whitley, J. H. (Halifax)
 Whittaker, Sir Thomas Palmer
 Williams, J. (Glamorgan)
 Williams, Llewelyn (Carmarthen)
 Williams, Osmond (Merioneth)
 Wilson, Hon. C. H. W. (Hull, W.)
 Wilson, Henry J. (York, W. R.)
 Wilson, John (Durham, Mid)
 Wilson, J. H. (Middlesbrough)
 Wilson, J. W. (Worcestersh, N.)
 Wilson, W. T. (Westhoughton)
 Winfrey, R.
 Yoxall, James Henry

TELLERS FOR THE NOES—Mr.
 Whiteley and Mr. J. A.
 Pease.

Main Question again proposed.

LORD BALCARRES (Lancashire, Chorley) said he wished to make an appeal to the President of the Board of Education before the main question was put. In his speech yesterday the right hon. Gentleman adumbrated two or three possible changes which the Government might adopt. Would he take the House of Commons as well as the House of Lords into his confidence, and put those Amendments upon the Paper?

* MR. SPEAKER: The hon. Member seems to be wandering from the Motion now before the House. What he says may be perfectly relevant to the next question, but it is hardly relevant to this one.

MR. ELLIS GRIFFITH (Anglesey) said there were two reasons why they should deal with these Amendments *en bloc*. The first was the nature of the Amendments, and the second was the

nature of the Assembly that made them. To deal with these Amendments otherwise than *en bloc* would be impracticable. To go through them one by one would be to fall into the trap which had been laid for the Government and their supporters.

LORD BALCARRES said he did not think any trap had been laid.

MR. ELLIS GRIFFITH said that at any rate he did not think that was the way they should approach the discussion of the Lords' Amendments. It would not only be impracticable to deal with them otherwise than *en bloc*, but it would be a most dangerous precedent. The House of Lords practically adopted the principle of the Bill by giving a Second Reading, and then they introduced Amendments which interfered with that principle. In deciding how they were going to discuss this matter the House must take into consideration the character of the Assembly with which they were dealing.

*MR. SPEAKER: Of course I do not know what the hon. Gentleman is going to say, but I rather fail to see the relevancy of that to this particular Motion.

MR. ELLIS GRIFFITH said their decision whether they would consider the Amendments in detail or *en bloc* depended on the question whether the institution with which they were dealing had given a guarantee of its good faith in the past. If the House of Lords accepted the Second Reading of a Bill, and then, as in this case, introduced an entirely new Bill, it was a matter for comment how this House was going to deal with the House of Lords in the future negotiations. He would take the Speaker's ruling as to whether that was out of order.

*MR. SPEAKER: I would like to hear what the hon. Gentleman is going to say.

MR. ELLIS GRIFFITH: In answer to your invitation, Mr. Speaker—

*MR. SPEAKER: I gave no invitation. The hon. Member began a statement which was possibly disorderly, and I said that I did not see the relevancy of it to the Motion.

MR. ELLIS GRIFFITH said the Motion of the Prime Minister dealt with the way in which they should conduct their negotiations with the House of Lords. If they were dealing with the House of Lords, acting in good faith, that was a reason for discussing the Amendments in detail; but if the House of Lords were not acting in good faith, that was a reason for dealing with the Amendments *en bloc*. He had the authority of a right hon. Gentleman who was still a Member of this House upon the character of the House of Lords. He said—

"You are dealing with a vast, overwhelming, preponderating, huge dead-weight of prejudice, of passion, of interest, of bigotry, of blind class and party spirit, impenetrable by argument, immovable by discussion; beyond the reach of reason, and only to be driven from their hereditary and antiquated entrenchments, not by argument, or by reason, or by discussion, but by force."

If that were a true description of the other place, he suggested that they should deal with that other place *en bloc*

and not in detail. If the other place was not amenable to argument, discussion, or reason, surely there was no point in discussing this matter in detail.

MR. T. M. HEALY (Louth, N.) said nobody had been more anxious than he had been for years for a conflict with the House of Lords, and he agreed that an outsider not possessed of information must always hesitate to give an opinion adverse to the Government on a question of procedure in a conflict between the two Houses. But he asked himself, as an opponent of the House of Lords, was this good card-playing? When they made a move in a game it was a bad move unless they remembered what their opponents would do next. It must be remembered, however, much as they were opposed to the House of Lords, that it contained a number of men who, to say the least, were not fools. He would recall some of the men they had known in the House of Commons for twenty-five years, who, he would assume, were now coaching the Conservative Party and were considering the question of the great conflict that was apparently looming before them. He would take Lord St. Aldwyn, Lord Goschen, and the Duke of Devonshire. They were all opposed to the Government and to this Bill. There was a legion of men behind them of equal capacity. But the Government made a move in the game. It seemed a very simple move. It seemed a very simple move to get rid of all the Amendments by sending them back to the House of Lords with an intimation that the Commons could not accept them. The course of procedure between the two Houses, he took it, would be that the House of Commons would send up a message to the Lords saying that they were unable to accept their Lordships' Amendments to the Education Bill. The Lords, of course, had not read the White Paper or the speech made by the right hon. Gentleman the Minister for Education in which he suggested that there were certain Amendments which the Government would be happy to accept. Now, could any one suppose that the three or four gentlemen who were leaders in another place, could not concoct a message which would *euchre* the Government? And that was what the Lords

would do if they had any sense. Was it to be supposed that there were not men in the House of Lords who were as skilful, eager, and watchful as the occupants of the Treasury Bench at this game? He himself could draw out fifty respectful messages which would throw the responsibility of the loss of the Bill on the Minister for Education. He maintained that though the House of Commons had been flouted many times in the past by the House of Lords, they had never been made ridiculous before. Care should be taken that they were not making the Commons the door mat of the Peers. He presumed that the Peers took notice of the Journal of the House of Commons, and they could note that this was the first time in the history of the British Constitution that this House refused to pass Amendments moved by the Government themselves, and accepted not by a majority of Conservatives in another place, but by the entire Peers—Radical, Liberal, and Conservative. Suppose then that the Peers sent back a respectful message that they had always been most happy to consider any Amendments on their Amendments, but that they were unable to deal with the rejection of their Amendments in the shape in which they saw them noted in the Journals of the House. It should be remembered that there was a plain and constitutional way of meeting the Peers and that was by a Motion put from the Chair that the Lords' Amendments be now considered. It was open to the House to say "no" to that Motion. That was done in 1881. But the Government had not adopted that constitutional way of rejecting the Peers' Amendments; and they had put the Peers on the side of the English Constitution, and it was the Government who had made an inroad upon it. But that was not all. A lurid light had been thrown on the position by the rejection of the two Amendments moved that night—the Amendment dealing with Clause 4, and the Amendment about religious education. It must be remembered that the Government must go to the country some day on these issues. He took it that the supporters of the Government were serious in their Radical heart in their declaration that they wanted a conflict

with the Peers. He himself was aching for a conflict with the Peers, but he wanted to choose the ground for that conflict. There was great force in the speech made the previous day by the hon. Member for Waterford who said that on this Bill they would go into the conflict with the Peers with their hands tied. Supposing they did that and agreed to the rejection of the Amendments, they might take another course and send another message stating that they concurred with the Commons in the rejection of all their Amendments, including the Government Amendments, except the one to which the noble Lord the Member for Marylebone referred, viz., that the children of England should have half an hour every day in the week to hear the Word of God taught—would the Government and their supporters go to the country on such an issue? Therefore, when he heard hon. Gentleman opposite approving and applauding the course the Government was about to take he asked himself why all those Amendments had been passed in an Assembly in which were some of the most capable Englishmen of the day. The Government, in his judgment, by adopting the course they had taken might have saved time but had lost the day. Did the Government imagine that all their opponents were fools? Were they going into this war with the Peers on the suggestion that all the 'generals in the Peers were like the generals which the late Government sent out to South Africa? Looking at this matter as an opponent of the Peers and an opponent of the Bill he could not commend the generalship of the Government in their endeavour to carry their measure. Of course, they would all be wiser in the course of the next few days; but it often happened that when all these matters had been arranged and squared the proceeding was like a conflict on the stage when one of two combatants fell down to slow music. As an opponent of the Bill he wished to express his regret that the Government had chosen this battleground for their controversy with the House of Lords. Everybody knew that there was force in the argument addressed to the House by the hon. and learned Member for Waterford as to the desirability of passing some measure which

would get this thorny question out of the way. But suppose this Bill was lost where would they be next session? The Nonconformists would appeal to the Government to bring in the Bill again in some shape or form. The Irish Nationalists would demand some satisfaction for their position. Two big Bills could not be run in the same session, and there was a big Budget to be considered and discussed at length. Then, they knew that in the third session a Welsh Disestablishment Bill was promised. Therefore he thought that the advice given by the hon. and learned Member for Waterford was sound from the point of view of Parliamentary tactics, and even from the point of view of those who were in favour of the passage of this Bill. He had said nothing on the merits of the Lords' Amendments, but confined himself solely to the question of procedure; and he had to submit that as there still remained a fair modicum of sense in the Upper House, the Government had not yet said "check" to the Lords.

*MR. CAVE (Surrey, Kingston) said he desired to point out that the question mainly considered by the hon. and learned Member who had just spoken was, what would be the next card to be played by the Government. Supporters of the Government on both sides of the House were not at one as to the card to be played; but from their speeches it was clear that the game which the Government were playing was not the game of education, but the game of securing some kind of triumph over the House of Lords. The House of Lords in making these Amendments were absolutely within their constitutional rights. Some of the Amendments had been actually proposed by the representative of the Government in the other House; there were others of them which the Minister for Education had expressed himself willing to consider, and there were some which he was not willing to consider at all. If the Government were desirous of carrying the Bill he did not see what was to prevent them from taking the Amend-

ments one by one, adopting those which were their own or which they were prepared to accept, and asking this House to reject those to which they entirely objected. Then the Lords would have something before them to go upon and some compromise might be arrived at. But if the Government said, "We reject the whole of the Amendments, then it was probable that there would not be any compromise and that the Lords would return the Amendments to this House. Was that what Ministers wanted? Did they want to kill the Bill and throw the blame for its destruction upon the other House? If so, he thought that this poor device would not avail the Government when the question came to be submitted to the country.

*MR. CARLILE (Hertfordshire, St. Albans) asked how it arose that these Amendments were to be thrown back at the heads of the Members of the House of Lords. When the Bill passed out of this House and went to another place and when it came back it had an inscription upon it which was significant. The hon. Member for Northampton made some observations upon Clause 1, but he apparently did not notice the words at the commencement of the Bill—

"Be it enacted by the King's Most Excellent Majesty with the advice and consent of the Lords Spiritual and Temporal and Commons, etc."

He ventured to say that if His Majesty desired them to act with the advice and consent of the Lords spiritual and temporal they ought to do so, and that when that advice was given it ought to be received with something like courtesy and not treated with contumely as the Government proposed. The hon. Member for Northampton last night by his speech would have despoiled the House of Lords of its prerogative. It seemed to him that this was another attempt on the part of the Government to rob Peter to pay Paul.

Question put.

The House divided. Ayes, 317; Noes, 89. (Division List, No. 489.)

AYES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Adkins, W. Ryland D.

Agnew, George William
Ainsworth, John Stirling
Alden, Percy

Allen, Charles P. (Stroud)
Armitage, R.
Ashton, Thomas Gair

Asquith, Rt. Hon. Herbert Henry
 Astbury, John Meir
 Atherley-Jones, L.
 Baker, Sir John (Portsmouth)
 Balfour, Robert (Lanark)
 Baring, Godfrey (Isle of Wight)
 Barker, John
 Barlow, Percy (Bedford)
 Barran, Rowland Hirst
 Beale, W. P.
 Beauchamp, E.
 Beaumont, Hn. W. C. B. (Hex'm)
 Beck, A. Cecil
 Bell, Richard
 Bellairs, Carlyon
 Benn, W. (T'w'r Hamlets, S. Geo.)
 Berridge, T. H. D.
 Bethell, Sir J. H. (Essex, Romf'rd)
 Bethell, T. R. (Essex, Maldon)
 Billson, Alfred
 Birrell, Rt. Hon. Augustine
 Black, Arthur W. (Bedfordshire)
 Bottomley, Horatio
 Boulton, A. C. F. (Ramsey)
 Brace, William
 Bramsdon, T. A.
 Brigg, John
 Bright, J. A.
 Brocklehurst, W. B.
 Brodie, H. C.
 Brooke, Stopford
 Brunner, Rt. Hon. Sir J. T. (Chesh.)
 Bryce, Rt. Hon. James (Aberdeen)
 Bryce, J. A. (Inverness Burghs)
 Buchanan, Thomas Ryburn
 Burns, Rt. Hon. John
 Burnyeat, W. J. D.
 Burt, Rt. Hon. Thomas
 Buxton, Rt. Hon. Sydney Chas.
 Byles, William Pollard
 Cairns, Thomas
 Cameron, Robert
 Campbell-Bannerman, Sir H.
 Carr-Gomm, H. W.
 Causton, Rt. Hon. Richard Knight
 Cawley, Sir Frederick
 Chance, Frederick William
 Cheetham, John Frederick
 Churchill, Winston Spencer
 Clarke, C. Goddard
 Clough, William
 Clynes, J. R.
 Cobbold, Felix Thornley
 Collins, Stephen (Lambeth)
 Collins, Sir Wm. J. (S. Pancras, W.)
 Corbett, CH. (Sussex, E. Grinst'd)
 Cornwall, Sir Edwin A.
 Cory, Clifford John
 Cotton, Sir H. J. S.
 Cowan, W. H.
 Craig, Herbert J. (Tynemouth)
 Cremer, William Randal
 Crombie, John William
 Crooks, William
 Dalmeny, Lord
 Dalziel, James Henry
 Davies, David (Montgomery, Co.)
 Davies, Ellis William (Eifion)
 Davies, M. Vaughan (Cardigan)
 Davies, Timothy (Fulham)
 Davies, W. Howell (Bristol, S.)
 Dewar, Arthur (Edinburgh, S.)
 Dickinson, W. H. (St. Pancras, N.)

Dickson-Poynder, Sir John P.
 Dilke, Rt. Hon. Sir Charles
 Dobson, Thomas W.
 Duncan, C. (Barrow-in-Furness)
 Duncan, J. H. (York, Otley)
 Dunn, A. Edward (Camborne)
 Dunne, Major E. Martin (Walsall)
 Edwards, Enoch (Hanley)
 Elibank, Master of
 Ellis, Rt. Hon. John Edward
 Essex, R. W.
 Evans, Samuel T.
 Eve, Harry Trelawney
 Everett, R. Lacey
 Faber, G. H. (Boston)
 Fenwick, Charles
 Ferens, T. R.
 Fiennes, Hon. Eustace
 Findlay, Alexander
 Foster, Rt. Hon. Sir Walter
 Fowler, Rt. Hon. Sir Henry
 Freeman-Thomas, Freeman
 Fuller, John Michael F.
 Fullerton, Hugh
 Gibb, James (Harrow)
 Gladstone, Rt. Hon. Herbert John
 Glover, Thomas
 Goddard, Daniel Ford
 Gooch, George Peabody
 Greenwood, G. (Peterborough)
 Grey, Rt. Hon. Sir Edward
 Griffith, Ellis J.
 Guest, Hon. Ivor Churchill
 Gulland, John W.
 Gurdon, Sir W. Brampton
 Haldane, Rt. Hon. Richard B.
 Harcourt, Rt. Hon. Lewis
 Harmsworth, Cecil B. (Worc'r)
 Hart-Davies, T.
 Harvey, A. G. C. (Rochdale)
 Harwood, George
 Haslam, Lewis (Monmouth)
 Haworth, Arthur A.
 Hazel, Dr. A. E.
 Hedges, A. Paget
 Helme, Norval Watson
 Hemmerde, Edward George
 Henderson, Arthur (Durham)
 Henry, Charles S.
 Herbert, Col. Ivor (Mon., S.)
 Herbert, T. Arnold Wycombe)
 Higham, John Sharp
 Hobart, Sir Robert
 Hobhouse, Charles E. H.
 Hodge, John
 Holden, E. Hopkinson
 Hooper, A. G.
 Hope, John Deans (Fife, West)
 Hope, W. Bateman (Somerset, N.)
 Howard, Hon. Geoffrey
 Hudson, Walter
 Hutton, Alfred Eddison
 Hyde, Clarendon
 Irlis, T. H. W.
 Illingworth, Percy H.
 Isaacs, Rufus Daniel
 Jacoby, Sir James Alfred
 Jardine, Sir J.
 Jenkins, J.
 Johnson, John (Gateshead)
 Johnson, W. (Nuneaton)
 Jones, Leif (Appleby)
 Kearley, Hudson E.

Kelley, George D.
 Kincaid-Smith, Captain
 King, Alfred John (Knutsford)
 Kitson, Rt. Hon. Sir James
 Laidlaw, Robert
 Lamb, Ernest H. (Rochester)
 Lambert, George
 Lamont, Norman
 Langley, Batty
 Layland-Barratt, Francis
 Leese, Sir Joseph F. (Accrington)
 Lehmann, R. C.
 Lever, A. Levy (Essex, Harwich)
 Levy, Maurice
 Lewis, John Herbert
 Lloyd-George, Rt. Hon. David
 Lough, Thomas
 Luttrell, Hugh Fownes
 Lyell, Charles Henry
 Lynch, H. B.
 Macdonald, J. M. (Falkirk B'ghs)
 Mackarness, Frederic C.
 Maclean, Donald
 M'Arthur, William
 M'Crae, George
 M'Laren, H. D. (Stafford, W.)
 M'Micking, Major G.
 Maddison, Frederick
 Mallet, Charles E.
 Manfield, Harry (Northants)
 Mansfield, H. Rendall (Lincoln)
 Markham, Arthur Basil
 Marks, G. Croydon (Lancaster)
 Marnham, F. J.
 Massie, J.
 Masterman, C. F. G.
 Micklem, Nathaniel
 Molteno, Percy Alport
 Money, L. G. Chiozza
 Montagu, E. S.
 Morgan, G. Hay (Cornwall)
 Morley, Rt. Hon. John
 Morrell, Philip
 Morse, L. L.
 Morton, Alpheus Cleophas
 Myer, Horatio
 Napier, T. B.
 Newnes, F. (Notts, Bassetlaw)
 Newnes, Sir George (Swansea)
 Nicholls, George
 Norman, Sir Henry
 Norton, Capt. Cecil William
 Nussey, Thomas Willans
 Nuttall, Harry
 O'Donnell, C. J. (Walworth)
 Partington, Oswald
 Paul, Herbert
 Paulton, James Mellor
 Pearce, Robert (Staffs. Leek)
 Perks, Robert William
 Philipps, Col. Ivor (S'thampton)
 Philipps, J. Wynford (Pembroke)
 Pickersgill, Edward Hare
 Pollard, Dr.
 Price, C. E. (Edinb'gh, Central)
 Price, Robert John (Norfolk, E.)
 Priestley, W. E. B. (Bradford, E.)
 Radford, G. H.
 Rainy, A. Roland
 Raphael, Herbert H.
 Rea, Russell (Gloucester)
 Rea, Walter Russell (Scarboro')
 Rees, J. D.

Rendall, Athelstan
 Renton, Major Leslie
 Richards, Thos. (W. Monm'th)
 Richardson, A.
 Rickett, J. Compton
 Ridsdale, E. A.
 Roberts, Charles H. (Lincoln)
 Roberts, G. H. (Norwich)
 Roberts John H. (Denbighs.)
 Robertson, Sir G. Scott (Brad'rd)
 Robinson, S.
 Robson, Sir William Snowdon
 Roe, Sir Thomas
 Rogers, F. E. Newman
 Rose, Charles Day
 Rowlands, J.
 Runciman, Walter
 Russell, T. W.
 Rutherford, V. H. (Brentford)
 Samuel, Herbert L. (Cleveland)
 Samuel, S. M. (Whitechapel)
 Scarisbrick, T. T. L.
 Schwann, C. Duncan (Hyde)
 Schwann, Sir C. E. (Manchester)
 Scott, A. H. (Ashton under Lyne)
 Sears, J. E.
 Seaverns, J. H.
 Seely, Major J. B.
 Shaw, Charles Edw. (Stafford)
 Shaw, Rt. Hn. T. (Hawick B.)
 Sherwell, Arthur James

Shipman, Dr. John G.
 Silcock, Thomas Ball
 Simon, John Allsebrook
 Sinclair, Rt. Hon. John
 Sloan, Thomas Henry
 Smeaton, Donald Mackenzie
 Soames, Arthur Wellesley
 Soares, Ernest J.
 Stanger, H. Y.
 Stanley, Hn. A. Lyulph (Chesh.)
 Stewart, Halley (Greenock)
 Stewart-Smith, D. (Kendal)
 Straus, B. S. (Mile End)
 Strauss, E. A. (Abingdon)
 Summerbell, T.
 Taylor, John W. (Durham)
 Taylor, Theodore C. (Radcliffe)
 Tennant, Sir Edw. (Salisbury)
 Thomas, Sir A. (Glamorgan, E.)
 Thomasson, Franklin
 Thompson, J. W. H. (Somerset, E)
 Tillet, Louis John
 Toulmin, George
 Trevelyan, Charles Philips
 Verney, F. W.
 Vivian, Henry
 Walker, H. De R. (Leicester)
 Walsh, Stephen
 Walters, John Tudor
 Walton, Sir John L. (Leeds, S.)
 Walton, Joseph (Barnsley)

Ward, John (Stoke upon Trent)
 Ward, W. Dudley (South'mpt'n)
 Wardle, George J.
 Wason, Eugene (Clackmannan)
 Wason, John Cathcart (Orkney)
 Waterlow, D. S.
 Watt, H. Anderson
 Wedgwood, Josiah C.
 Whitbread, Howard
 White, George (Norfolk)
 White, J. D. (Dumbartonshire)
 White, Luke (York, E. R.)
 Whitehead, Rowland
 Whitley, J. H. (Halifax)
 Whittaker, Sir Thomas Palmer
 Williams, J. (Glamorgan)
 Williams, Llewelyn (Carmarth')
 Williams, Osmond (Merioneth)
 Williamson, A.
 Wilson, Henry J. (York, W.R.)
 Wilson, John (Durham, Mid.)
 Wilson, J. H. (Middlesbrough)
 Wilson, J. W. (Worcestersh. N.)
 Wilson, P. W. (St. Pancras, S.)
 Wilson, W. T. (Westhoughton)
 Winfrey, R.
 Yoxall, James Henry

TELLERS FOR THE AYES—Mr.
 Whiteley and Mr. J. A.
 Pease.

NOES.

Anson, Sir William Reynell
 Anstruther-Gray, Major
 Aubrey-Fletcher, Rt. Hn. Sir H.
 Balcarres, Lord
 Balfour, Rt. Hn. A. J. (City Lond.)
 Balfour, Capt. C. B. (Hornsey)
 Barrie, H. T. (Londonderry, N.)
 Beach, Hn. Michael Hugh Hicks
 Beckett, Hon. Gervase
 Bignold, Sir Arthur
 Bowles, G. Stewart
 Boyle, Sir Edward
 Bridgeman, W. Clive
 Bull, Sir William James
 Burdett-Coutts, W.
 Butcher, Samuel Henry
 Carlile, E. Hildred
 Carson, Rt. Hon. Sir Edw.
 Cave, H. George
 Cavendish, Rt. Hn. Victor C. W.
 Cecil, Evelyn (Aston Manor)
 Cecil, Lord John P. Joicey-
 Cecil, Lord R. (Marylebone, E.)
 Chamberlain, Rt. Hn. J. A. (Worc)
 Cochrane, Hon. Thos. H. A. E.
 Corbett, T. L. (Down, North)
 Craig, Capt. James (Down, E.)
 Craik, Sir Henry
 Douglas, Rt. Hon. A. Akers-
 Du Cros, Harvey
 Duncan, Robt. (Lanark, Govan)

Faber, George Denison (York)
 Fell, Arthur
 Finch, Rt. Hon. George H.
 Fletcher, J. S.
 Forster, Henry William
 Gardner, Ernest (Berks, East)
 Haddock, George R.
 Hamilton, Marquess of
 Hardy, Laurence (Kent, Ashford)
 Hay, Hon. Claude George
 Healy, Timothy Michael
 Heaton, John Henniker
 Helmsley, Viscount
 Hervey F. W. F. (Bury, S. Edm'ds)
 Hornby, Sir William Henry
 Houston, Robert Paterson
 Hunt, Rowland
 Kennaway, Rt. Hn. Sir John H.
 Kenyon-Slaney, Rt. Hn. Col. W.
 Lambton, Hon. Frederick Wm.
 Lane-Fox, G. R.
 Long, Col. Chas. W. (Evesham)
 Long, Rt. Hn. Walter (Dublin, S.)
 Lowe, Sir Francis William
 Lyttelton, Rt. Hon. Alfred
 Magnus, Sir Philip
 Mason, James F. (Windsor)
 Morpeth, Viscount
 Nicholson, Wm. G. (Petersfield)
 Nield, Herbert
 O'Brien, William (Cork)

O'Neill, Hon. Robert Torrens
 Pease, Herbert Pike (Darlington)
 Percy, Earl
 Powell, Sir Francis Sharp
 Rasch, Sir Frederic Carne
 Rawlinson, John Frederick Peel
 Roberts, S. (Sheffield, Ecclesall)
 Rutherford, John (Lancashire)
 Salter, Arthur Clavell
 Scott, Sir S. (Marylebone, W.)
 Smith, Abel H. (Hertford, East)
 Smith, F. E. (Liverpool, Walton)
 Smith, Hon. W. F. D. (Strand)
 Starkey, John R.
 Staveley-Hill, Henry (Staff'sh.)
 Stone, Sir Benjamin
 Talbot, Lord E. (Chichester)
 Talbot, Rt. Hn. J. G. (Oxf'd Univ)
 Thomson, W. Mitchell (Lanark)
 Thornton, Percy M.
 Vincent, Col. Sir C. E. Howard
 Walrond, Hon. Lionel
 Warde, Col. C. E. (Kent, Mid)
 Williams, Col. R. (Dorset, W.)
 Wolff, Gustav Wilhelm
 Wortley, Rt. Hon. C. B. Stuart-
 Younger, George

TELLERS FOR THE NOES. Sir
 Alexander Acland-Hood and
 Viscount Valentia.

Ordered, "That the question of agree-
 ment or disagreement with the Lords
 Amendments to the Education (England
 and Wales) Bill be put with respect to
 the Amendments as a whole."

EDUCATION (ENGLAND AND WALES)
BILL.

Order read, for further consideration
 of Lords Amendments.

Lords Amendments read a second time.

THE PARLIAMENTARY SECRETARY TO THE BOARD OF EDUCATION (MR. LOUGH, Islington, W.) moved formally "that this House doth disagree with the Lords' Amendments."

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendments."

*SIR WILLIAM ANSON (Oxford University) said this was a somewhat strange episode in the procedure on this great question. The House first decided not without remonstrance, to deal with the Lords' Amendments as a whole. Now they were invited, without a word of comment, to disagree with those Amendments as a whole. It reminded him of a proceeding familiar in his school days. When a boy showed an exceedingly bad exercise to the master it was torn in two and given back to him without a word, except a direction to produce a better and more satisfactory copy. He did not ask whether it was respectful or courteous to the House of Lords, for he did not believe such a consideration would weigh for a moment on the benches opposite. But was it fair so to treat Amendments on which the Lords had spent exceeding care and study? If the Lords had acted on purely Party considerations, if they had really desired to do a service to the Unionist Party, to which the majority of them belonged, they would have declined to make a single Amendment in the Bill, and sent it to the country for administration in the form in which it left the House of Commons. They all knew the history of this Bill. It was prepared so hastily that the Minister in his opening speech read out, as part of the Bill, extracts from an earlier draft. It was so ill-considered that every clause as it came under the Committee's eye appeared to be a revelation to the Minister in charge of it. The Bill was so crudely planned that in the course of its progress the House was introduced to such trifling novelties as the ballot, the State-aided school, a delegation clause as long as an ordinary Act of Parliament, and three separate constitutions for the Welsh education authority. The Bill was discussed under the guillotine, which necessarily made it impossible to discuss, not merely the crude Bill itself, but the Government Amendments to that Bill,

to say nothing of the Amendment which the Opposition desired to press upon the House. Supposing this Bill, patched and mended and doctored, this ill-conditioned offspring of the Government, had gone to the country as the first fruit of Radical legislation, what would have been the situation in a year's time of the Minister of Education, with the disappointed Nonconformist on one side, the betrayed Catholic on the other, the injured Church and the overwhelmed ratepayer, all hostile? But the Lords took a more patriotic course. They had made a workable Bill of an almost unworkable Bill. They had made a radically unjust Bill as just as it was possible to make any Bill that was brought in, not in the interest of education, but at the bidding of the passive resister and a section of religious opinion bitterly hostile to the Church schools. The Lords had undoubtedly introduced large and important Amendments into the Bill. But a study of these Amendments would show that they made no departure from the general principles of the Bill, but simply gave some effect to the repeated assurances of the Minister of Education, that the denominations would be fairly treated. The Lords accepted the principle of popular control, which brought Cowper-Temple teaching within the reach of every child, and they accepted the principle that the denominations should pay for their own religious teaching. This Bill had merely been extended in its provisions, and it did not lie in the mouth of any one to say that it was a different Bill from that which was sent up to the House of Lords. The main purpose of their Amendments was to secure as far as possible the opportunity for religious teaching for all, and special religious teaching for those whose parents desired it and were ready to pay for it. This was the purport of the Amendments on Clauses 1 and 7 which provided that such instruction should be given in the schools where it was possible. Were these issues upon which the Government would care to go to the country? He should have thought not. As regards the alteration in Clause 7 which brings religious teaching within the school hours, the right hon. Gentleman the President of the Board of Education said that the clause as it stood was very near to his heart, but that some of his colleagues voted against

him; that the clause was carried by a bare majority in this House, and that in the House of Lords, the Leader of the Government voted against him. It could not, therefore, be said that the House of Lords had done any harm there. As regards the Amendment to Clause 7, which ensured the making of some provision for religious instruction in every school, the right hon. Gentleman had referred to Pan-denominationalism. Pan-denominationalism in this connection could only arise in fancy. Then the right hon. Gentleman said it interfered with public control and brought the local authorities under the Board of Education in a way in which they had never been brought under before. In that the right hon. Gentleman was wrong. The question of giving religious teaching in the school hours was a matter of by-law and time table. That was common knowledge at the Board of Education, and to say that a subject must not be excluded by by-law and must be included in the time table was no new thing. Then was the Amendment unnecessary? It was well known that some local authorities discountenanced religious instruction in their schools. There were some Welsh counties who acted thus. There was the case of Huddersfield, where the local authority said it desired to eliminate religious teaching from the schools. They were told that in one of the Welsh counties in which there was no religious teaching in schools there was no crime, and that elsewhere such crime as there was emanated from children brought up in voluntary schools. If that sort of thing proved anything it proved too much.

MR. BIRRELL: In Huddersfield they do have religious instruction.

*SIR WILLIAM ANSON said there was religious observance, but that it was desired there to have no religious instruction. They had frequently heard, and with pleasure, the right hon. Gentleman in tones of genuine conviction insist upon the importance of religious instruction in our elementary schools.

MR. BIRRELL: Not so much for Nonconformist children as for perfectly indifferent parents.

*SIR WILLIAM ANSON said that under the Government Bill no local education authority need make any provision for religious instruction whatever in the council schools, and therefore the only security for religious instruction would be in the transferred voluntary schools in which facilities were given, and the local authority need not accept a transfer of a single voluntary school. No local authority need provide any religious instruction to the children; no parent need send his child to school during that part of the school hours devoted to religious instruction; and no teacher need give it. That was the position of things. The facilities which were given in schools under Clause 3 would be nugatory in many cases if the teacher habitually employed in the school was not allowed to teach the children religion, and the facilities under Clause 4 might be refused or taken away if a single child demanded separate school accommodation which was not forthcoming. Such was the Bill as it stood and it pointed towards secularism, and he ventured to say the Lords were quite right when they put into the Bill that which the right hon. Gentleman approved and the country desired—namely, that elementary education should not be divorced from religious instruction. It was complained that the Lords had put in frequent appeals to the Board of Education, but the right hon. Gentleman himself when he introduced that half-hearted bilateral clause put a very heavy burden on the Board of Education, and there was nothing in the Lords' Amendment putting anything like the burden on the Board of Education which the Board of Education had to bear when the Act of 1902 came into operation, and which it bore, he thought, without coming into collision to any serious extent with the local authorities. The right hon. Gentleman talked about trusting the local authorities, but in fact he was afraid of them. He confessed he did not think it was a desirable thing that the Minister for Education should go about saying, "For heaven's sake don't put this power into my hands, because it may bring me into conflict with the local education authorities." Surely the business of the Board of Education was to enforce the law and advise the local authorities, and it was not right that a Government Department should flinch

from the reasonable exercise of such powers as the Legislature entrusted to it, simply because the Minister dreaded a possible conflict with a local authority. The Amendments of the Lords, then, in no way interfered with popular control. As to the question of tests for teachers, that was not wholly unconnected with popular control, because the management of the schools, whether council or voluntary schools, would be henceforth entirely in the hands of the local education authority, who would have not only the power of appointing all the managers of every school, but the absolute appointment and dismissal of the teachers. How, then, could the employment of the teachers under Clause 3 amount to a test? The right hon. Gentleman said last night that a test was a difficult thing to define, but that if the teacher in the school were allowed to give denominational religious teaching it was impossible to prevent people ascertaining whether the teacher could give it, and would give it, and then inviting him to give it, and in that way we came to imposing a test. The answer to that was clear. The teacher was appointed by the local authority, and if the teacher were willing to give denominational teaching and the local authority allowed it, to forbid it was to infringe the rights or limit the discretion of the local authority. If the local authority disapproved of the teacher giving such instruction the remedy was in their own hands, and they could give the teacher notice to quit, and appoint a teacher who would not be willing to give the religious teaching required under Clause 3. The vexatious provision which forbade the teacher who was accustomed to the children, and respected by the parents, from giving religious instruction to the children whom he was teaching every day, so far as it was based on the ground of no tests for teachers, was absolutely without foundation. He thought that provision in the Bill was a real hardship imposed upon the transferred schools in the rural areas. The right hon. Gentleman said truly that a test was difficult to define. What were tests? They were told constantly that the demand of the country expressed at the last election was for the abolition of tests. He dared say it was in a certain light. Any hon. Member who stood on a public platform at the general election and put the question, "Are you in favour

Sir William Anson.

of tests for teachers?" would be certain to get the answer "No," and he thought the answer would be welcome to both sides. But if the further question had been put, "Are you in favour of letting a man give religious instruction who is disqualified by his ignorance or unbelief?" surely the answer in that case also would have been "No," and it would have commanded respect on both sides. What the Lords had done was to secure the freedom of the teacher. They had not gone so far as the Government themselves had gone in imposing tests, because in Clause 11 of the Government Bill the local authority was directed to see that the teacher appointed to a school coming under that clause was capable, and certainly willing, to give the religious teaching required in the school. So far as the Lords had dealt with the teacher and the giving of religious teaching they had not gone so far anywhere as Clause 11 of the Government. All that they had done in the way of novelty was to introduce the parents' committee, and the reference to it in the case of Clause 4 schools, and he thought the President of the Board of Education had said he was prepared to consider this proposal favourably. As regarded popular control and tests for teachers, he hoped he had established the entire concurrence of the Lords in both these propositions. In regard to the Salisbury Amendment, which was said by the right hon. Gentleman to be wholly inconsistent with popular control, he would point out that by the very terms of that Amendment a wide discretion was left to the local authority, while it met the case of the single school areas, an admitted gap in the Act of 1902. The case had always been spoken of as purely a Nonconformist grievance. It was a two-sided grievance. There had always been Church children who only had access to a Council School. He admitted that the Government Bill entirely remedied one side of that question. Cowper-Temple teaching had been brought within the reach of every child, but the very provision which did that also created a very serious grievance on the other side, because it must be borne in mind that 14,000 voluntary schools would be turned into council schools, and that the children in them would no longer be sure of the religious teaching they used to get. A good many things

might happen. The local authority might decline to take a transfer of the schools or the owners might withdraw them, or they might sell the schools to the authority. The remedy proposed by the Lords' Amendments put no hardship upon the local authority, it imposed no cost upon them, and only called upon the local authority to make certain inquiries and allow certain things to be done. He would endeavour to summarise the general purport of the Lords' Amendments. Under those Amendments religious teaching in school hours was to be available for all, and definite religious teaching was to be given to all those who desired to have it, but not at the expense of the local authority. The facilities given under Clauses 3 and 4 were ensured as real substantial facilities by the changes which had been made by the Lords instead of being the illusory things they were under the original Bill. The teachers were to be free from religious tests but also free to teach. And lastly no school which was structurally suitable and which was necessary for giving the religious instruction desired by parents for their children was to be rejected by the local authority without cause shown to the Commission. He ventured to think that those principles were worthy of the consideration of the Government. No doubt the President of the Board of Education would say that they were already embodied in the Bill, but if they were, his opinion was that they were so embedded in other matters as to be hardly discernible in many cases. He thought the Lords might very well stand on those principles which he ventured to assert would be found underlying all their Amendments. He did not desire any prolongation of those weary discussions which had taken place in the past. He supposed there was no one in this House except the President of the Board of Education who was more sensible than he was of the weariness to everyone concerned, the injury to education, and the disastrous effect upon religion of this unsettled state of the education question, but with all his desire for a settlement he did not wish for a hollow peace. He hoped that the Lords would not recede from the great principles on which their Amendments were based. He trusted that

those great principles would remain in the Bill, and if this measure was lost on that account, the fault would not lie with the Opposition, who had laboured to give effect to those principles, or with the House of Lords, who had throughout enforced the main principles of the Bill by their Amendments and emphasised the assurances of the Government, but with those supporters of the Government who had, above all things, desired to see the Church schools disappear from our national system of education, and who had tried to enforce with a tyranny which appeared to him to amount to a grave form of religious persecution one form and one form only of religious teaching throughout the elementary education of this country.

COLONEL HERBERT (Monmouthshire, S.) said he would only refer to the remarks made by the right hon. Gentleman in relation to that part of the United Kingdom to which he belonged, namely Wales. The hon. Baronet the Member for Oxford University had exercised his wit and what he presumed by courtesy must be called his humour, on the little Principality to which he belonged by referring to the clauses which set up a special education Council for Wales. If he took upon himself the task of criticising the hon. Baronet he should say that he knew everything about education except that which was most human. He had shown this conclusively in his remarks on the absence of religious instruction, for he had declared that there were schools in Wales in which no religious instruction whatever was given. The truth of the matter was that there was a large and increasing feeling in the Principality in favour of the elimination, not of the religious feeling, but of the denominational teaching. He could speak from a personal knowledge of the condition of Wales in regard to its religious teaching. He knew those places where it was said that there was no religious teaching in the schools, and he wished to inform the House that in those very places the children were better instructed in their Bible than probably any children in the whole of England. In those schools, under the national spirit, they had developed a love for this form of education, and they undertook their religious

instruction in their own Sunday schools. He thought that was a lesson which a good many hon. Members might learn with advantage from these Non-conformist communities, from which the denominational dogmatic instruction was eliminated. In his opinion that system alone would provide the ultimate solution of this difficulty. The education council for Wales had been made the subject of a little gibe, but it should not be forgotten that in the Principality there was a distinct and separate feeling with regard to educational matters. The Lords who drew nothing from Wales except their revenues and some of their titles were not in touch with the Welsh people, and they did not realise that there existed amongst the people of the Principality a desire to see their country leading in the educational race and leading in a strictly national direction. The right hon. Gentleman had stated that the Lords' Amendments tended towards popular control, but how could that statement be justified when their tendency was deliberately to stifle the desire of the Principality to conduct its education in a national way? He believed he expressed the feelings of the Welsh Members when he said that the treatment of Wales alone by the House of Lords was sufficient to make them reject the whole of the Amendments.

LORD EDMUND TALBOT said that earlier in the evening he criticised the speech of the hon. and learned Member for Waterford, because that speech was understood by hon. friends of his to show a sign of the weakening of the Catholic position in regard to this Bill. Before he was called to order he had made allusion to the fact that in that speech the hon. and learned Gentleman had stated that he and those who thought with him were prepared to accept as a concession with regard to Clause 4, a three-fourths, instead of a four-fifths majority, and he ventured to point out to him that he thought that when the Bill was in Committee in this House, the hon. Baronet who was associated with him had on the Paper an Amendment for a bare majority. What he particularly wished to criticise with reference to the

speech of the hon. and learned Gentleman was the fact that whereas he appeared to assume that if they had a three-fourths majority of those voting, there would be only something like thirty Catholic schools left out of the extended facilities, whereas the real fact was that there would be no less than 170 Catholic schools left out. He was only venturing to criticise the statement that the Amendment now in the Bill, put in in another place, and which they might call the new sub-sections (b) and (c) of Clause 4, was, in the opinion of the hon. and learned Gentleman, too stringent, and one which, speaking for himself, he was not prepared to accept. He seemed inclined favourably towards the Amendment of the Lord President of the Council which was an alternative to the Amendment now on the Paper. He (Lord Edmund Talbot) wished to point out that that Amendment would not be accepted by his co-religionists, who had given this matter very careful study, and who represented Catholic opinion on this point. Even if the number of ten were raised, as the hon. and learned Gentleman suggested it ought to be raised, to twenty or thirty, it would not be acceptable to Catholics, because, among other reasons, under that Amendment the whole arrangement might be upset at any moment by an overflow of children from neighbouring schools. The hon. and learned Gentleman had used rather a vague phrase with reference to the appointment of the teacher. He had seemed to suggest that he would be satisfied provided the parents' committee had a voice in the selection of the teacher. He himself did not think that the hon. and learned Gentleman really meant it to be as weak as that; what he probably had in his mind was the Amendment standing in the name of the hon. Member for East Mayo, but which, owing to the drastic and unprecedented action of the Government to-day, that hon. Member would not have an opportunity of moving. The words in that Amendment were that no teacher should be appointed without the concurrence of the parents' committee. The right hon. Gentleman the President of the Board of Education had indicated certain concessions he was prepared to make with regard to the Amendments inserted

in another place. Might he ask the Secretary to the Board of Education whether that Amendment standing in the name of the hon. Member for East Mayo was one which the Government were prepared to accept?

MR. LOUGH: What the right hon. Gentleman said was that he would consider certain Amendments.

LORD EDMUND TALBOT said this was a particular Amendment standing in the name of the hon. Member for East Mayo, and he ventured most respectfully to ask whether they might have a definite answer "Yes" or "No" to the question: Were the Government prepared to accept that Amendment? The hon. Member shook his head. He gathered that he would not give an answer. Then they knew where they were. While there were Amendments suggested they were unable to get from the Government any definite announcement whether they would accept them or not. He would like to point out that this was an important question for Catholics. Even if the words of the Amendment of the hon. Member for East Mayo were accepted by the Government they would not be quite strong enough to secure what the Catholics of this country demanded, viz., the statutory right to the appointment of teachers in their schools. The schools were built with the money of Catholics, and in many cases with the money of the very poor. He ventured to assure the Government that if this Bill passed into law and Catholic teachers were not appointed in Catholic schools, there would be serious trouble in the country and for the Government. With reference to the point that some of his hon. friends seemed to think that the Catholic opposition to this measure was not quite so strong as it was, he could assure them that it was stronger than ever because of the fact that in another place the Amendments which had been passed and which were now on the Paper were not considered by the Catholic body as sufficient to meet their requirements. A few days ago an important deputation waited on Lord Lansdowne. That deputation was composed, with two or three exceptions, entirely of laymen.

They were representative of all the great industrial towns in the north, the midlands, and the south, including representatives from Durham, Liverpool, Birmingham, Derby, London, and right away down west as far as Bristol and Cardiff. They were unanimous in urging upon Lord Lansdowne the importance of, if possible, bringing in on the Report Stage still stronger Amendments on behalf of the Catholic schools than those which had already been inserted. They laid special stress on the question of the appointment of the teacher. Since that deputation a resolution had been passed by the Catholic Education Council, of which he had the honour to be a member, and which was representative of every Catholic diocese in this country, that the Bill as amended by the House of Lords still remained unsatisfactory to Catholics. That resolution was unanimously approved by the Catholic Bishops of England and Wales, and he would remind the House that in all matters affecting religious education in the Church to which he belonged, the opinion and approval of the Bishops was not to be ignored. It was not surprising that as a result of that expression of opinion the Catholic Peers in another place decided to take the somewhat strong step of voting against the Third Reading of the Bill. They did so in spite of the fact that the Bill as amended contained many Amendments favourable to the Catholic schools, and in doing so they were only following the example of the hon. Member for Waterford and those who took similar action on the Third Reading in this House. He would like before he sat down to call attention to the resolution passed by the Liverpool City Council one day last week in which they decided to send a petition asking this House to accept the Lords' Amendments. That resolution was very significant. It was passed by sixty-one votes to four, and the four members in the minority were members of the Liberal Party, but the rest of the Liberal Party, belonging to the city council, walked out and did not vote. He thought that was very significant for this reason, that Liverpool understood the Catholic side of the question and, if he might venture to say so to hon. Gentlemen opposite, was far more sympathetic than the

Government was with regard to the Catholic position. He would like to quote a short extract from the speech, the remarkable speech delivered the other day by the Catholic Bishop of Liverpool. He quoted it with all possible respect as a warning to His Majesty's Government as to what might possibly happen if in the future Catholic schools were not given what Catholics demanded as justice. This was what he said—

“As to the future it seemed to him dark. It might be that they would have to resist the law, not in any passive sense, but in an active sense, for passive resistance did not count. The present was a time for plain speaking and a time for them to decide whether to obey God or the law. If their opponents thought they would take over Catholic schools, they would find Catholics ready to fight.”

He would remind the Government that there were in Lancashire alone 150,000 Catholic children in the Catholic schools, and he would suggest to them before any action was taken which would affect the Catholic welfare of these schools, it would be well for them to pause.

MR. T. RICHARDS (Monmouthshire, W.) said he wanted to congratulate the Government upon the course they had taken in this matter. He had been a silent but sincere admirer of the President of the Board of Education who had honestly attempted to hold the balance of justice fairly between the contending Parties in the House. If he had tilted it to one side it was in favour rather of his opponents than of his friends. He was anxious that this religious question should be settled finally, and he hoped the Government in any compromise would not weaken the measure of popular control in the Bill, or do anything which would impose tests on teachers, and that they would insist upon the retention of the clause giving Wales a national council. Whatever might be said as to the influence that had been at work in the Lords with respect to other Amendments, he thought he would be right in stating that the Amendment of the Lords deleting this clause had been dictated by the Welsh Bishops in the House of Lords. And he supposed the only reason that could be advanced for that by the Bishops was that they were afraid to entrust the

people of Wales with the religious education of their children. The Leader of the Opposition in several speeches had said that they ought to insist upon full parental control of the religious education of the children. If that was so, then here were the people of Wales—a whole nation—unanimously asking to be entrusted with the religious education of their children. There were differences in the Welsh Party upon many things. He supposed it would be a very difficult thing to assimilate the collectivism of the junior Member for Merthyr with the individualism of the senior Member for Merthyr, and there were many other differences in the Party. But whatever differences of opinion in other matters there might be, the whole of the Welsh Members were unanimous in their desire that the Government should insist upon the retention of this clause. Given this Welsh national council, the religious question would not arise, or if it did he was of opinion that it would be amicably arranged. He had had some experience of education both as regards school boards and intermediate education, and on one occasion he remembered all the members of a school board on which he served were Nonconformists with the exception of the vicar of the parish. The only religious instruction given to the children consisted of a prayer, the singing of a hymn, and the ordinary observances of that kind, but the vicar proposed that they should give simple Bible teaching. Strange to say, the whole of the Nonconformist members of the board agreed to that without any quarrel or difficulty whatever, and the agreement was still in force. He was in favour of religious teaching in the schools, and he was therefore pained that some of his closest friends on that side of the House had swallowed the bait so carefully laid for them by the hon. Member for Burnley in his “secular” Resolution. He had heard it said on Labour platforms—“Look at the economic condition of this country, the poverty on the one hand, and the riches on the other, notwithstanding that you have had twenty centuries of the Christian religion.” He agreed that the Christian religion did not exercise the power it might, but he was horrified to contemplate what the economic condition of the

working people of the country would have been were it not for those twenty centuries of the influence of the Christian religion. The question which naturally occurred to a Welshman was why the Welsh Bishops were afraid of trusting the religious education of the children to the Welsh people. After a careful survey of what was said in the House of Lords it occurred to him that one reason was that the Welsh Bishops wished to punish the Welsh people for the sins of the President of the Board of Trade. It was told—he thought it was in Shakespeare—that Edward the Fourth was persuaded that someone whose name began with the letter C was to be the cause of his downfall, and, as the result of that, he sent the poor Duke of Clarence to the Tower. He thought the President of the Board of Trade would have preferred that the Welsh Bishops should have sent him to the Tower rather than expunge from the Bill the clause giving Wales a Welsh Council. The real reason why the Welsh Bishops were opposed to entrusting the religious education of the children to the people was because in the long past their predecessors so neglected their duty, and allowed not only the education of the children, but all religious observance, to fall into such a state of degradation, that they lost, and had never regained, the control and influence they should have in religious matters with the Welsh people. For a hundred years after the Reformation, dissent in Wales was unknown, and then a few stalwarts, who felt that the fetters of the Established Church bound them down, and that its practices were not for the elevation of the people, commenced a religious campaign in the Principality, with the result that places of worship sprang up until there was a place for every man, woman and child. Men coming from the mine, the forge, or the shop, built up with their own hands the little places of worship on the hillsides, and these were the people to whom the four Welsh Bishops refused to entrust the religious education of the children. He was glad to believe that the activities and the purity of the Church had much improved of late years; but what had occurred in the little village he was born in and where he lived might be taken

as typical of what had taken place all over the principality. Long ago, before he was born, Nonconformist places of worship provided seats for every man, woman and child. The Established Church was there, and worshipped in a small long room above a public house; while the vicar had a large mansion and extensive grounds on a most beautiful site. A new vicar came, and perhaps felt the qualms of conscience which David experienced on one occasion, that he should dwell in a splendid mansion while the ark of God was dwelling in a tent. The vicar put a lot of activity into the matter, collected money from his few members, and built a little church in the village.

MR. DEPUTY-SPEAKER said he did not see what this had to do with the question before the House. The hon. Member must keep to the point.

MR. T. RICHARDS said he was sorry if he was out of order, but it had occurred to him that the refusal of the Bishops to trust Welshmen with the education of the children called for some indication of their work in the past. He would only add, to show the religious intolerance they met with sometimes, that the Bishop in consecrating the building, said, "Thank God, the little village had a church at last!" He hoped that whatever the Government did with other matters they would, in compliment to the unanimous desire of the Welsh representatives in the House, insist that the clause entrusting to the Welsh people the control of education in Wales should be retained. It came to this, that the voice of thirty-four publicly elected Members of the House of Commons were to be ignored, and the voice of four Bishops, who were never seen nor heard by 90 per cent. of the people, were to dictate the policy with regard to education in Wales. He hoped the Government would not be led away by those Bishops who had tasted the sweets of privilege, and like the followers of Ulysses, had forgotten their country and their homes.

*MR. CARLILE said that on that side of the House they regretted the reception which had been accorded to the Amendments of the House of Lords, because they

believed that they were reasonable. They believed that the religious instruction of the school ought to be given within school hours, and they did not consider that it was a reasonable thing that that religious instruction should be fixed to be given out of school hours and be placed in such a position as to convey to the children's minds the idea that the subject was of a secondary character and was of so little importance that the instruction in regard to it might be imparted at times outside school hours. For their part as Churchmen they believed that religious instruction ought to be an integral part of the child's education. They did not believe in any education which did not rest upon a religious basis. They would rather that children in whom they took an interest should be without any education at all than that they should have merely secular education, and, therefore, they believed that religious instruction should be given in the school hours. They thought that the provision inserted by the Lords was eminently reasonable, and that it was reasonable was shown by the attitude of the President of the Board of Education himself. The right hon. Gentleman knew perfectly well, and he had not hesitated to state it, that the country and he himself were in favour of religious instruction in the schools. If such instruction was believed by the people to be essential why should it be given outside of school hours? Any parent who desired that his child should not receive religious instruction could withdraw his child from it. The President of the Board of Education had reminded the House, he was sure quite rightly, that references to Huddersfield might be misleading in some respects. It would be a great mistake for hon. Members to suppose that during the whole of the school hours in Huddersfield the name of God was excluded. Such wild statements had, however, been made, but some of them who knew something of the West Riding were aware that that was not the case in Huddersfield. They knew that in Huddersfield at the opening of the schools there was the singing of a hymn and the reading of a passage from Scripture and the Lord's Prayer. All of those pro-

ceedings were very devoutly carried out, but he did not think that anybody could contend that that was religious instruction. [Cries of "Why not?"] He would ask whether in the case of geography or arithmetic or any other secular subject it would be considered that the children were receiving instruction in those subjects if the teacher merely read a chapter of arithmetic or geography and the matter ended there. It was not religious instruction, especially in view of the fact that no examination of any kind in religious knowledge was permitted in these council schools. He, therefore, thought they were justified in saying that in Huddersfield there was no religious instruction. It was a deplorable thing that among the eight or nine thousand children attending the council schools there, there should be a large number of children who, so far as the week-day was concerned, never got any religious instruction. The hon. Member for West Monmouth had spoken of Sunday schools. He had the greatest respect for the Sunday school teachers and for the work they did, but, after all, they were not trained to impart knowledge with the aptitude of the regular teacher in the school. It was, therefore, a fallacy to suppose that Sunday school teaching could take the place of the religious instruction given in the denominational schools. In some of the schools in the large boroughs where religious instruction was not given, the books of moral maxims which were used in place of religious instruction were, he thought, somewhat mischievous. For instance, Hackwood's book of moral maxims, which was used in the West Riding, commenced with the maxim that honesty was the best policy; but the man who was honest only so long as it was the best policy was a rogue, and he would be sorry to let him have the run of his pockets. There was not the power behind these moral maxims that lay behind Holy Scripture to fasten on the mind of the child, and character could not be built up upon them. Therefore, they were glad that the Lords had put the religious instruction in the school hours. They also approved that trustees should execute their trusts, and that the wishes of the pious founders should be considered. Power was given by a special

Amendment proposed by the President of the Board of Education, at the suggestion of hon. Members who sat in Opposition, to private owners to carry out the reconstructions of their own schools, and it was only reasonable that in another place that power should have been extended to trustees who were in a position analogous to that of the private owners. It was only right that they also should have the opportunity to submit a scheme to the local education authority, who should if they approved the scheme, sanction the necessary payments. By the Lords' Amendment the concessions made in this House had been made real instead of their being only the intentions and good wishes of the President of the Board of Education. The right hon. Gentleman, when they desired to be assured that the local authorities would be reasonable, had always replied that it could not be supposed that the local authorities would be unreasonable. But they could not trust the local authorities, and they should not be asked to do so; he was glad that another place had taken that view, and instead of leaving the local authorities the power of granting or refusing the facilities had made it mandatory on them to grant them. With regard to religious tests, he did not believe that real tests had ever existed. The so-called tests still existed under this Bill. Everybody knew that if a teacher was to give religious instruction in a school of a particular denomination those who had the appointment of the teacher ought to exercise the right of ascertaining that the teacher believed in the religion the doctrines of which he was to expound. Nothing could be more destructive of religious faith in the minds of the children than the knowledge, which they would soon acquire, that the teacher was not a believer in the faith he or she taught. If there was to be religious instruction in the schools there should also be inspection in religious knowledge. But while religious instruction was now given in some schools, no attempt was made to focus the religious knowledge of the children by means of inspection, and it was only reasonable that there should be some provision which should admit of examination in this matter. For these and other reasons he ventured to express the hope

that the House would adopt, if not as a whole at least to some extent, the Amendments made in another place.

*MR. HAY MORGAN (Cornwall, Truro) heartily congratulated the Government on the strong action they had taken in regard to the Amendments sent down from another place. He knew very little about the technical side of the question as to how these Amendments ought to be dealt with by the House, but his general experience taught him that the first thing to do was to make up one's mind as to the right line to take, and, that being done, go as strongly on that line as possible. The Government, having made up their mind to reject the Lords' Amendments, could not go too strongly in that direction. They should have no fear of their action. He knew statements were being made outside about the risk which was being run by the course they were adopting, but he thought they could afford to wait with equanimity until they saw what the Lords would do in the matter. The other House had completely transmogrified the Government Bill. They had knocked it completely out of recognition. The Bill was now far more sectarian than even the Act of 1902. The Lords had completely changed the tone, spirit, and intention of the Bill. A Resolution was proposed in this House at the commencement of the session in favour of secular instruction in public schools. He was one who voted against that Resolution, and he did so because he hoped it was possible to find a way out of the difficulty. He thought it was of the highest importance that the children should have the Bible placed before them, and he had hoped it was possible to devise some means of still retaining the Bible instruction in the school, but he was bound to say that at the present time the action taken by right hon. and hon. Gentlemen opposite and by Members of another place had thoroughly convinced him there was no chance of educational peace in the public elementary schools in this country until secular instruction alone were given in them. In 1870 the Nonconformist leaders of the country championed that course, and they were only

drawn to Cowper-Templeism as a compromise. If the Lords refused to accept this Bill, he believed that Nonconformity as a whole would revert to the battle for secular instruction and would insist on no interference on the part of the State with anything connected with religion. The Bill as it came down from the Lords retained the tests for teachers. The hon. Baronet, the Member for Oxford University had said the Government had introduced into the Bill a clause with regard to religious tests far more drastic than anything that had been put in by another place. That was somewhat unfair, and indeed ungracious on the part of the hon. Baronet. Clause 11 was only brought in for the purpose of dealing with a temporary condition of affairs. At most the schools dealt with there could only be in existence two years, and more than that, the very part of the clause which the hon. Baronet charged the Government with having inconsistently introduced was accepted by the Government as an Amendment from the other side, and a few malcontents, including himself, voted against the Government on the point. Under the Bill as it had come down from the Peers the teacher was to have liberty to volunteer to give denominational instruction. So far as his experience and observation went, that meant that in the villages, at any rate, it would be equal to compulsion—not compulsion in law, of course, but compulsion by circumstances. He believed that under this method in the villages they would have teachers doing lip service to a faith which their mind and conscience did not approve. The trustees would have money which they would be able to use in the payment of the teachers for giving religious instruction. To his mind that would become a bribe to the teachers. It ought not to be, but they were dealing with human beings, and those who were sometimes in a condition where £10 or £20 made all the difference between finding it difficult to make both ends meet and being in a state of comparative opulence. It was placing in the way of the teacher a temptation which the State had no right to sanction. No one had any objection to the teacher getting £10 or £20 above

his usual salary, but he did strongly object to that money being paid for the purpose of getting him to profess a certain faith. He believed it was a fond fallacy of some members of the Church of England that by these means they were increasing the number of adherents to their faith. [OPPOSITION cries of "No."] That had been said, though he would put a charitable construction upon it. They could not have believers who were created either by bribery or coercion. Hypocrites were made by that means—never true converts. He agreed that in certain senses the religious test would be difficult absolutely to abolish. There were insidious methods of finding out the religious faith of a teacher. But if they could not altogether abolish tests they could at least prohibit the teachers from giving denominational instruction, and so give them the best protection possible. Clause 7 was to his mind a very important clause, and he very much regretted that the President of the Board of Education feared it would be necessary to drop it. He agreed with the right hon. Gentleman that the old conscience clause was not used to any great extent, because the burden fell not upon the right shoulders, but upon the shoulders of the children. Those who pushed these little children into the forefront of the religious battle, making their sensitive minds and affectionate hearts—always yearning for sympathy—the mark for the sarcasm of the village parson or, still worse, the mark of the public opinion of their little world, were guilty of one of the meanest, most cowardly, and contemptible things he knew of. Let the burden fall upon the right shoulders. Let it fall on the parents, as it would fall if Clause 7 were retained. The Government was divided upon this point. He understood the President of the Board of Education to say there were three Cabinet Ministers who voted against this clause. He wondered who this trinity of powerful personalities could be that they could master the Cabinet and override and overrule a majority of forty-seven in this House. Could they not sink their powerful personalities for a time and let the House decide this matter? Surely the President of the Board of Education had worked hard enough, and he had told them this was his own

pet clause. The right hon. Gentleman had worked while the others had slumbered, and if they were there that night he would like to ask them to assist in passing this clause. The hon. Member for Mid Herts made out that if Clause 7 were retained some children would receive no religious instruction at all. There were a couple of very significant figures in that connection. There were in the public elementary schools to-day under the whip-hand of the school attendance officer and the compulsion of the magistrates acting upon the parents, nearly 5,000,000 scholars, whereas in the Sunday schools, an absolutely voluntary organisation, there were nearly 8,000,000 scholars. Making every allowance, the difference between the two figures was very large indeed. There were very few children who were not attached to some Sunday school. The Government Bill was a great advance from an educational point of view in that it improved the machinery for education, and for that reason he devoutly hoped it would pass. He had no expectation that it would settle the religious difficulty, and he had no particular desire that it should do so, although he agreed that the State schools should not be made the battle-ground for contending sects. The President of the Board of Education had hinted at concessions. He regarded the suggestion as a rope that was thrown to a drowning man. He hoped the House of Lords would take hold of the rope and save themselves. Personally he had no desire to save them, but they had got the Education Bill in their pockets, and he wanted to save that. If they clutched the rope they would be brought dripping, but safe, to land and the Bill would be saved too.

SIR JOHN KENNAWAY (Devonshire, Honiton) said the issue between the different parties in the House was very clearly defined on this question. He thought it was important that those sitting on the Ministerial side should realise what were the feelings and motives which actuated the Opposition in the line they were taking. The speech of the hon. Member for Truro had proved to be a valuable contribution to the debate, and had made it clear what principles were at stake. Some months ago the Secretary

to the Board of Education pointed out that the churches were unable to give religious teaching which was at all adequate to the needs of the children, and as the parents were either incompetent or unwilling to do it themselves he argued that the State must come in and connect religious teaching with the teaching in the schools. He believed that it was necessary and desirable that the State should, at all events, if it did not undertake religious instruction itself, encourage it in the schools and lay down the principle for the guidance of local authorities that there should be religious teaching every day in every school. If they looked across the Channel, they would at once see what the separation of religion from the teaching in the schools was leading to. In France at the present moment they were carrying out to the full the principles of some hon. Members opposite. They had recently resolved to delete from the coins of the State in France the words "God protect France," and the same country gloried in the fact that their educational policy had destroyed a belief in the supernatural and prayers to an Almighty Being. Those were the things which made them fight earnestly for religious teaching in the schools. When the action of the House of Lords in regard to this Bill was understood, the country would say that they were right, and the people would refuse to follow such examples as he had indicated, and would insist upon maintaining a high standard of religious teaching. That was what they were now contending for, and he believed that in the end they would win.

*MR. ADKINS (Lancashire, Middleton) said in these days of acute crisis he addressed the House with a sense of diffidence and a consciousness of how easy it was on such an occasion to render a difficult position still more difficult by words of provocation or words not carefully considered. He regretted, though he frankly acknowledged the necessity, that the imperative demands of time and procedure had made it impossible for the Government to accept the Amendments which the Earl of Crewe had

accepted in the House of Lords, because he believed those Amendments would indicate to the country the moderation of the Government's position and the desire which was felt by many of the Government's supporters that some settlement of this great and difficult question should be reached as soon as possible. He most cordially and loyally supported the Government in their decision as to procedure and as to the rejection of those Amendments, which individually were plausible, but collectively impossible. He thought it was very doubtful whether many of those Members of the other House who were responsible for this sinister sequence of Amendments realised how urgently a solution of the problem was required and what extreme difficulty there would be if the education question was not advanced by legislation. It had been in many parts of the country the tolerant and wise policy of the local authorities to exhibit perhaps an undue laxity in the way they had allowed the owners of privately managed schools to neglect their duties of putting their fabrics into proper order and of fulfilling the very mild demands of the Act of 1902. He knew that in one county, of the education authority of which he was a member, there were many schools in a condition quite unsuitable for the proper conduct of education, which had been allowed to remain in an unsatisfactory condition because of the tolerance and consideration of the authority who had waited for Parliament to deal with the matter. When Members were tempted to reject the Bill because they thought the Government would be landed in administrative difficulties passing the wit of man to solve, he would remind them that many of these administrative problems were due to the extreme tolerance and consideration of local authorities, and that the desire of practical men, who were merely concerned for educational efficiency, would not be too long delayed, and the perils of rejecting the Bill would be felt by the owners of these unsuitable schools even more than by the Government. They were all interested in the difficult problems connected with religious education, but those who had spent a good deal of time in trying to carry out Acts of Parliament knew that other aspects of the education problem were just as pressing

as that connected with religion. He wished to thank the Government for all they had done in Part II. of the Bill, and he thanked the President for the whole tone of the speech which he delivered yesterday, which showed that he realised, what practical men of all Parties realised, that local education authorities were not hotbeds of fanatical dissenters or coteries of obscurantist churchmen, but were really representative of the whole community, and must be trusted if the education of the country was to be carried on efficiently and vigorously. He was not very sanguine, but he hoped that at any rate in regard to Part II. of the Bill, embracing matters of extreme importance under the heads of delegation, medical inspection, development of secondary education, and matters of administration that pressed for solution, no conflict between the two Houses on theological grounds would prevent that part of the Bill from speedily becoming law. He was one of those who had never been hostile to the Bill as introduced, and still less had he been hostile to it in the form in which it went to the other House. If further concessions were to be made, they should be concessions in matters of detail which would not affect the principles of the measure—principles which had been affirmed over and over again at many elections. The principle in the Bill to which they on that side were determined to be loyal was that there should be within the reach of every child in the country an elementary school absolutely and entirely under local popular control—one in which the religious teaching was of that general kind which appealed to all except the great religious bodies to whom special treatment was given in the Bill; unless there was such a school within the reach of every child there was no room for concessions, but when such schools were universal he welcomed every effort made to give honest and considerate concessions. But the Lords had destroyed that universal school of the civic type, which was absolutely essential if the system of education was to be really national. The moment they had this system firmly established in single school areas, then, and not till then was the way clear for exceptional and special treatment for those who required it. Everyone of the concessions which the President of

the Board of Education had declared he was prepared to consider appeared to be consistent with the maintenance of a national system, but no one on that side of the House could be expected to give a complete and wholehearted adhesion to any of these adumbrated Amendments unless they knew how they were to work out under a final settlement. The right hon. Gentleman had spoken, for instance, of reducing the four-fifths majority under Clause 4 to three-fourths. On the question of principle there was little room for difference of opinion. The policy of the Government was to give exceptional treatment wherever there was a community within a community—a body of persons who, having made sacrifices according to their conscientious convictions, were separate and distinct from the community as a whole—and that might well be achieved by a three-fourths majority. But he for one trusted that the Government, even at the price of losing the Bill, would say that it should be a three-fourths majority of all the parents of the children attending the schools, and not a three-fourths majority of those who could be induced by any persuasion to vote. The real test should be whether a community within the community really desired the special treatment. It had been suggested that it was possible that under certain circumstances the teachers who were appointed by the local authority without any religious test might be allowed to teach the specialised religion in the schools in which they were employed if the local authority permitted them. The essential thing was that such permission should really be a permission to genuine volunteers, and should not be an oblique method of exerting pressure and imposing a test. He hoped the procedure of the House of Commons would be interpreted elsewhere in the spirit in which the Prime Minister spoke—a spirit neither of defiance nor insult, but a spirit of moderation and of keeping the door open for a settlement. If it was interpreted in that way elsewhere there was yet a possibility of settling this great question. On the question of the fundamental principle they and hon. Members opposite must agree to differ, and respect each others conscientious convictions, but within those wide limits there were infinite possibilities of agreement. He

hoped those on that side of the House would do all they could to support the Government, with loyalty to those great principles and in the moderation of temper and method by which they still hoped the Bill might become law, and by which he believed the great problem of national education would be advanced a long step for the benefit of all sections of the community and to the satisfaction of all who cared for the better education of the children of the country.

*MR. BRIDGEMAN said the hon. Member for the Truro Division had stated that while they all recognised that differences of opinion prevailed in regard to religious matters they ought to respect one another's opinions, though they could not all agree. It was because he believed that, that he had come to the conclusion that the only possible solution of the question was to respect whatever religious opinion everybody held. The hon. Gentleman opposite spoke with very great feeling in regard to Clause 7, and the right hon. the Minister for Education had addressed to the House many touching words on that particular point; but both spoke as if the conscience clause was one which affected the children, and not the parents. Neither of them seemed to have sufficiently grasped the point that the people who had to make up their minds on the question of religious instruction, were not the children, but the parents. He wished to save the children from such a position as had been described by the hon. Gentleman opposite; and he was quite sure that he represented the views of every one on those benches in admiring all who had the courage of their opinions. He did not believe in a picture that had been drawn of the danger which existed in the country schools. The right hon. Gentleman had said that the children were biassed by being offered school treats.

MR. BIRRELL said that what he had stated was that the children did not get the school treats unless they got the religious instruction.

*MR. BRIDGEMAN said there were treats on both sides, and his argument would have more weight if

there were no such things as chapel treats. The argument for rejecting all these Amendments had been based mainly on the contention that they violated in some way, not explained, the mandate given by the country to the Government. He believed that the mandate was that in single school districts where the Church teaching was the only teaching which could be received, the Nonconformists believed that it was unfair to compel them to choose between Church teaching and no religious teaching whatever. What they demanded was that if they objected to Church teaching, they should be allowed to have Cowper-Temple teaching rather than no teaching at all. There was nothing in the Amendments in the House of Lords to contravene that mandate. The Chancellor of the Exchequer had told the House that no one voted at the general election on the education question with the idea that the parents would have anything to say in the matter. He was in a position to say that that was not the case in the division which he represented. His opponent had said that the State should confine itself to giving secular instruction, and if the parents chose to do so they could let teachers go into the schools and impart religious instruction. That was what the Minister of Education called pandenominationalism, and what the hon. Member for North Camberwell described as pandemonium. On another occasion his opponent said that there should be no denominational teaching in the school against the wishes of the parents of the children. That was exactly what the Bill as it came from the Lords provided. The right hon. Gentleman had also claimed a mandate for popular control and no tests for teachers, but there was no mandate for popular control which could only be exercised on one side of the question. What sort of popular control was it when the whole number of parents in a parish might desire one kind of teaching and not be able to get it? One might just as well say that a person could have either beef or mutton, but there was no beef. It was as if when he wanted to dine in this House, and he went into the dining-room, he was told by the hon. Member for West Derbyshire that he could only have Resurrection pie or weak

soup, while the Jews might have their Kosher meat and the Catholics their fish, because the hon. Member for Louth, who was a shining light of the Nonconformists, had decided, however, that what was good enough for him was good enough for everybody else except the Jews and the Roman Catholics. What was the use of calling it popular control when it was only popular control so long as it suited the hon. Member for Louth? It was nothing of the sort. In the same way the cry about the abolition of tests for teachers was only useful for platform speeches and was not a reality. The Government had said that they were giving freedom to teachers in this matter. He said that they were doing the reverse, and so far from giving them freedom they were compelling them to decide in only one way. He would give an illustration. Only a few days before they had had under consideration the Provision of Meals for Children Bill, and it was urged that the teacher should be relieved from the necessity of presiding at those meals outside the school hours, and words were put in providing that no teacher in a public elementary school should be required as part of his duties to supervise or assist, or abstain from supervising or assisting, in the provision of meals. That was claimed as giving freedom to the teachers in this matter. He had moved an Amendment to this Bill exactly to that effect, that the teacher should not be compelled either to give or to abstain from giving any particular form of religious teaching in the schools, and that it should not be a condition of their employment. That Amendment was not, however, accepted, but if such a provision constituted freedom in the case of a Provision of Meals Bill why was it not freedom under the Education Bill, which involved much more important questions? He could understand people appointing teachers and the teachers saying, "We are not going to help you with regard to the provision of meals." In that case he could understand the managers saying that they would rather have someone who was more willing, but he could not believe it likely that after a man said, "My conscience does not allow me to do this," he would be compelled to do it. If a man had conscientious objections there were thousands of other places

where he could obtain a situation. It was said that the teachers wished for this, but he believed that there was no greater fallacy than that the voluntary school teachers wished for it. What they wished for was freedom in the matter, and in his constituency they had petitioned the House of Lords that they might be allowed to give this teaching, and said that it was insulting them to deprive them of the privilege. He believed that that represented the views of the vast majority of the elementary school teachers, and he did not believe that the resolution of the National Union of School Teachers represented their view. Another reason given for opposing the whole of the Amendments of the House of Lords, which was emphasised very much in the speech of the President of the Board of Education at Bristol a few weeks ago, was that the House of Lords was interfering with the freedom of the local education authority, and they had been told what an insult it was not to leave these matters to the local education authority, who were perfectly competent to deal with them and should not be hampered in any way. If Ministerialists were going to carry that argument to its logical conclusion, why did they not allow the local education authority to settle the time table, the code, and at what age children should be allowed to leave school? Were these things of more importance than the religious teaching of the future generations of the country? He would very much like to know what arguments could be adduced in favour of trusting the local education authority on this point and not trusting it on the others which he had mentioned. The right hon. Gentleman did not trust the local education authority fully. He was merely trusting them to do what he and those who supported the Government said was in the interest of the particular cause they advocated and of the mandate which they professed to have got from the country. The Government were not giving the local education authority a free hand, and until they did so he could not see that they had any right to claim that there should be no appeal to the Board of Education in this matter. Another point which the President of the Board of Education complained

of bitterly at Bristol was that there would be appeals on the ground that, although the schools were structurally fit, the local education authority would not take them over. But it had always been part of the duty of the Board of Education to see that the sanitary condition of the schools was kept up, not to the standard of the local education authority, but to the standard of the Board of Education. It was said that there would be 7,000 appeals in regard to structural questions but how did that add to the work of the Board of Education if that Board had already satisfied themselves that the structures were so built as to come up to modern requirements? It did not add one jot to their work, and to say that the local education authority was entirely free from the jurisdiction of the Board of Education was to say what he did not believe one-tenth of hon. Members opposite wished, because these authorities were to be free on this point only, namely, to carry out the views which hon. Members wanted to enforce. It was very difficult indeed to discuss Amendments of the House of Lords under existing conditions because they had not the slightest idea of what hon. Members opposite would agree to; they had not the slightest idea of what would satisfy them in the way of alteration in the Amendments made in another place, because the Government had deprived them of any kind of knowledge of the reality of their pretended concessions and of the possibility of testing the reality of those Amendments which they desired, or of discussing anyone of them. If they had intended to give way they might have said so before; they might have said so even to-day, and he took as a sign that they did not wish to confirm the concessions they had made the extraordinary course they had adopted in this debate. The fact was that they wished to avoid the dilemma in which they would be put by having to discuss Clause 1 and Clause 4 as separate questions. Up to now they had tried to speak with a double voice to different sections in this House and in the country. Now, having found it impossible to continue to speak with a double voice, they had made up their minds not to speak at all.

MR. MASSIE (Wiltshire, Cricklade) said, that in opposing these Amendments in this manner, the Government had taken the only course open to them to take with due respect to themselves and to this House whose executive they were. It remained for the House of Lords to take the next step, and they in this House could look forward to the step without any apprehension. The constitutional question had been raised in a way which embittered half the religious population of the country, which re-enforced political conviction with religious fervour, and which, therefore, brought the end nearer, and would make the revolution, when it came, more complete. Outside the circle of the different religions and churches, there were many who had keen political conviction and who, if they had no religious fervour, had a substitute for it in the feeling of genuine contempt with which they looked upon ecclesiastic manœuvring and churches fighting for the spoil. They did not understand the conscience that in the last resort meant the demand for public money and for power to persecute; the conscience, not governed by any settled and universal principle, but by the squeezableness of Governments and the prospects of success. But they did understand the principles of those religious people who sought nothing for themselves but equal rights with their fellow-citizens and equal dignity for child, parent, and teacher. And they could understand the resentment felt by these religious people when it was proposed that a school should be handed over to a church provided that one-third of the children could find accommodation elsewhere, somewhere, anywhere; for what mattered it, so long as the children were, like Tom Hood's unfortunate, "anywhere, anywhere out of the world"? It now remained for the Lords to say whether they would withdraw from their attitude of wanton disregard of the general election and of the majority the election had sent to this House. The President of the Board of Education had plainly left the door open; it might be that the door was not opened wide, but it was open wide enough. The question was whether in fact it was not opened too wide. To open a back door to the

test on teachers was a delicate and dangerous operation. If the teacher, with all his influence upon the children, and with all the outside influences that could be brought to bear upon himself was still to remain the teacher of the Church the rural electors who had returned the Government to power would say they had been sold. If the committee of the parents was to have power equal to that of the local authority or perhaps greater, having the power of veto; if they could put a spoke in the wheel of the local authority, then there would be, as the snuff-taking Highlander said, "grand accommodation," grand accommodation for canvassing, misleading, manipulation, and intimidation, especially in those districts where the powers that were held sway. And if women were to be eligible for the committee elected by parents they might have a repetition of that quartet of foundation managers: the vicar, the vicar's wife, the vicar's daughter, and the late vicar's housekeeper. There would then be lively times for those who were advocates of real public control and who desired to free our villages from the sinister influence of sectarianism. But supposing the Lords were obstinate and the Bill was dropped, that would be only one of the penalties to be paid for the state of the Constitution as it was, and which would always have to be paid until that state was changed. However, the Government with their support could still do a great deal to improve the education of the country. They could repent of their long neglect. They could fall back upon the strong recommendation of the Conservative Royal Commission of 1888 which had not yet been carried into effect, and which was that the measurement basis per child should be raised from seven, eight, or nine feet to ten feet. That was the rule in all new schools, and the health of the children in the old schools was as important as that of the children in the new schools. It might mean the extension of buildings at the cost of the denominations. It might mean the diminution of numbers in attendance and the diminution of grants, at the expense of the same defaulters. It might also mean the building of new council schools in many districts, but it

need not mean the raising of rates. A money Bill could divert the £1,000,000 set apart in this Education Bill to purposes other, and perhaps even better, than the extravagant tenderness of the promoters of the Bill originally designed. That £1,000,000 could stand for the interest and sinking fund of a capital sum of some £28,000,000 to £30,000,000 lent to the local authorities to build people's schools where sectarianism would for ever cease from troubling. All on the Ministerial side of the House, at any rate, were looking forward to that day, and the Government could easily hasten its dawn. That expedient would largely ease the situation. It would relax what was really an intolerable strain. The rejection of this Bill would not only raise in a bulkier form the question of the constitutional abuse, but also the spectre of a religious quarrel whose issues might finally be as drastic as those in France—a quarrel not between Nonconformists and the Church, but a quarrel between the State and clericalism. The English people were said to be not so quick as the French in seeing what the logical outcome of a process was, but though they were slow, when once they were on the move they were steady and sure. They would destroy no Church, but they would deliver the State. They would set the Church free, without any overwhelming pecuniary encumbrance, to go on its way rejoicing in the fulfilment of its spiritual destiny within the bounds of civic justice and civic safety. When that day came those who, unlike himself, had the larger part of their work before them might be alive to look back without regret to the not unmix'd misfortune of the loss of this outmanœuvred, metamorphosed, perverted Education Bill.

MR. LANE-FOX (Yorkshire, W.R., Barkston Ash) appealed for more breadth of view, so that the feelings which he believed a great many Members of the Opposition were ready to allow to hon. Members on the Government side, should be allowed in part to them. Surely the only chance of putting the question upon a permanent basis was to admit that all Parties and all creeds had strong convictions which called for respect. The hon. Member for Middleton had told them that he saw great dangers to the Church

of England and to education in the rejection of this Bill and how much he admired certain provisions of the Bill. There were certain provisions which all Parties were anxious to pass, and if they were put into a Bill and brought before the House there ought to be no difficulty in passing them. It was because of the wholly impractical religious difficulty imported, and which was in part removed by some of the Amendments of another place, that it had been impossible to accept the Bill on the Opposition side of the House. The perils to education he fully granted, but, it seemed to him, they had far better imperil the cause of education a little longer if as a result they could have a final and permanent settlement. He did not believe the policy adopted by hon. Gentlemen opposite was one that would secure such a settlement, and he hoped in his heart that they were not going to persist in this uncompromising attitude to the Amendments which had come down from the Lords. When hon. Gentlemen spoke of the sinister influences of sectarianism and used other rounded periods of a similar nature it appeared to be impossible to expect a final settlement. If hon. Members would put their heads together and realise that there were convictions on both sides he believed that in course of time, if not now, they might achieve a better result. He did not see the force of the argument that it would not have been possible to consider these Amendments *seriatim* or in detail. He could not believe that if an agreement were entered into between the great Parties of this House to carry a certain business in a certain time that business could not be carried out satisfactorily. What were they to expect from the attitude of the hon. Gentleman who said the reason for refusing these Amendments *en bloc* was because of the place whence they came and in order to shew their contempt for the other House? Was that an argument that was likely to be listened to by the other House? It seemed to him that if the Government desired deliberately to provoke a conflict with the House of Lords they could not find a more certain way of doing it than the course they were adopting in regard to these Amendments. What was the real intention of the Government? They wanted to

know what they were prepared to accept, and what they were prepared to stand firm upon. The most important questions to be dealt with were the Amendments dealing with the facilities to be given in provided schools and whether the teachers were to be allowed to give that instruction. When every child in the country could obtain Cowper-Temple teaching free of cost, surely it was not a great deal to ask that those parents who required some different form of religious instruction for their children should be allowed to obtain it at their own expense. That concession was considered to be a breach of a great principle. The hon. Member for Louth had told them that the one question on which he was prepared to resist was the question of extra facilities in schools outside urban areas. It had been pointed out time after time that the urban area was the most ridiculous and most useless distinction they could possibly make. What they had always complained of was that there should be this inequality of treatment between one school and another, and what they wanted was fairness all round. He thought the parents of the children in rural districts would value religious instruction as highly as the parents of the children in urban districts. They also desired to know what was the position of the Government in regard to the question of the three-fourths majority. They wanted to know what was going to happen in regard to facilities for Cowper-Temple teaching in Clause 4 schools and what safeguards were going to be adopted. All that the Lords had done by their Amendments was to make the safeguards in the Bill realities instead of shams. The speeches which had been made by hon. Members on the Ministerial side had done nothing to make a compromise on this question any easier, and unless they got a more satisfactory expression of opinion from the Government the House of Lords would be doing a great injustice to those people who believed in denominational teaching if they did not stand firm by their Amendments and maintain the position they had taken up. Two great cardinal principles appeared to underlie the speeches of hon. Members opposite. One of them was a

Mr. Lane-Fox.

very strong hatred of the House of Lords and the other was an equally strong hatred of the Church of England. [MINISTERIAL cries of "Oh, oh!"]

DR. MACNAMARA (Camberwell, N.) moved the adjournment of the debate.

MR. A. J. BALFOUR said he would like to ask what were the intentions of the Government in regard to this debate. He presumed that if the adjournment of the debate was agreed to now it would be on the distinct understanding that if there was any desire to continue the debate on Thursday the Government would offer no opposition to that course. He was not at all sure that that course would be necessary, but he should like to know, if there was a desire to continue the discussion of the Lords' Amendments on Thursday, whether the Leader of the House would offer any objection.

SIR H. CAMPBELL-BANNERMAN thought that this debate might have gone on a little longer, but perhaps it would be most convenient to adjourn it now and resume it to-morrow. If they found that the debate was not exhausted by to-morrow night there would, of course, be no objection to the debate's going over.

Motion made, and Question, "That the Debate be now adjourned"—(*Dr. Macnamara*)—put, and agreed to.

Debate to be resumed To-morrow.

EXPIRING LAWS CONTINUANCE BILL.

[SECOND READING.]

Order for the Second Reading read.

MR. W. LONG (Dublin, S.) said he rose to call attention to the omission from the Bill of a particular Act, namely, the Peace Preservation (Ireland) Act, though he did not propose to debate the subject at present. He conceived that the proper time to discuss the question would be in Committee. Last year the present Under-Secretary for the Colonies made a direct Motion against the Second Reading of the Bill upon the ground that, although it was possible to drop an Act of Parliament out of this Bill without notice, it was obvious that time and notice ought to be given to the House to consider this question. It was one thing to use this Bill

for the purpose of continuing an Act of Parliament; it was quite another thing to use it for the purpose of repealing an Act of Parliament. Would it be thought proper to repeal the Ballot Act by dropping it out of this Bill? He held it would be wiser, rather than to repeal the Peace Preservation (Ireland) Act, to apply it to the whole country. He did not propose to ask the House to reject the Second Reading, contenting himself for the present with this formal protest.

THE CHIEF SECRETARY FOR IRELAND (Mr. BRYCE, Aberdeen, S.) thought the right hon. Gentleman had followed the proper and regular course. He had nothing to say at this stage except that the only way in which this matter could be dealt with was by omitting the Act from this Bill. It was not a case for repeal, because the Act itself lived from year to year only by being continued in this and similar Bills. He was sorry that earlier notice was not given.

CAPTAIN CRAIG (Down, E.) said that in the circumstances he would not press to a division the Motion standing in his name for the rejection of the Bill. When this Bill was first distributed he and his friends were under the impression that the Peace Preservation (Ireland) Act had been dropped out in error, and that the error would be rectified afterwards. The Government having acknowledged making one mistake might make another. The Bill aroused great interest in Ireland, and they naturally looked about for the reason why this particular measure had been dropped out of the schedule. Last year the hon. Member for North Louth, speaking on this same measure, stated that the Irish people were not permitted to carry arms, even for the protection of their crops. Was that the reason why the strong pressure had been brought to bear on the right hon. Gentleman to drop the Arms Act out of the Schedule? After what had fallen from his leader, the right hon. Member for South Dublin, he would not press the Motion standing in his name for the rejection of the Bill to a division. At the same time he would say that if this measure were excluded from the Expiring Laws Continuance Act, it would lead to a bloody war in Ireland.

MR. A. J. BALFOUR said he gathered from the peroration of his hon. and gallant friend that his feelings had been roused to a point which might lead to a Parliamentary Irish row, not of the sanguinary character predicted, but of a less disastrous complexion. He did not rise to discuss the merits of the particular Bill proposed to be left out of the schedule; there was really a much more important question to which he earnestly invited the attention of the Leader of the House, and his observations would not be couched in a controversial spirit. The Government, without giving any notice at all of their intention, proposed to leave out one particular Bill from a very long schedule. He could not think that that could be regarded as a justifiable Parliamentary procedure. In the schedule to the Expiring Laws (Continuance) Act many measures of enormous importance touching the public life of the country were embraced. He would mention only one, viz., the Ballot Act. Suppose the Government said that they did not approve of the ballot and dropped that Act out of the schedule, they might get rid of it without discussion of any kind. Everybody admitted that the procedure of the Expiring Laws (Continuance) Bill required revision. He had made the same admission before from the Treasury Bench. He was quite certain that if they wanted the Expiring Laws (Continuance) Bill to pass as a non-controversial measure, that result could only be obtained if, instead of dropping an Act out of the schedule *sub silentio*, they brought in a repealing Bill, so as to allow the House to discuss the whole of its provisions. He hoped the Prime Minister would make a note of the respectful protest he now offered that no attempt should be made, no back door or secret attempt, to modify the legislation of the country by the process of simply omitting important Acts from the schedule to the Expiring Laws (Continuance) Bill. There was a big principle involved, but all that he could do at the present moment was to enter his protest. He thought the Government were not very happy in the course they had taken, and he hoped that it would not be repeated.

SIR H. CAMPBELL-BANNERMAN said that this was not a new procedure.

It was a procedure which had been followed year after year by the right hon. Gentleman himself.

MR. A. J. BALFOUR said he thought there was no precedent for dropping a Bill of this character out of the schedule *sub silentio*.

MR. T. M. HEALY: Yes, there was a precedent—the Peace Preservation Act of 1875.

SIR H. CAMPBELL-BANNERMAN said that the Act referred to was in the category of those which came to an end at a specified date, unless they were renewed under the Expiring Laws (Continuance) Act, passed every session. This was a procedure which had been followed by all Governments over and over again, as could be seen by any hon. Member comparing the Acts passed from year to year. He agreed with the right hon. Gentleman that in two respects the whole method of continuing legislation was bad. It seemed to him to be somewhat slovenly; but the present Ministry were not to be blamed for that. They had not had charge of the country for twenty years, like the right hon. Gentleman opposite, who had suddenly discovered that the method of continuing legislation should be reviewed. He thought perhaps it would make matters more clear to the ordinary Member of Parliament, so that he might find out what was going on, if a memorandum was issued with the Expiring Laws (Continuance) Bill showing the changes that would be made; a little bit of paper would show what was happening and no great mischief would be done by issuing it. Therefore on these two points, that this was a mode of legislation that ought to be considered and that a memorandum should be issued, he agreed with the right hon. Gentleman.

MR. T. M. HEALY said the right hon. Gentleman had spoken on the spur of the moment, but if he had been able to refer to *Hansard* he would have found that his position was the constitutional position, and that of the Leader of the Opposition was not. Having briefly reviewed the operation of the Act in regard to Irish legislation, the hon. Member appealed to the Tory Party not

to lend themselves to that little gang of malignants behind them, and to take a broader and larger view of the Irish cause. That cause had been going forward by leaps and bounds. If any one in Ireland wished, he could purchase a revolver for 10s., and yet he challenged the right hon. Gentleman to say that there would be a single crime in Ireland the more if this Act were not passed. He congratulated the Government on their position and thought that any other than that which they had adopted would have been absolutely repugnant to their principles. If in their first year of office they had refused to consider this question in regard to Ireland, they would have been false to their pledges and untrue to the position which they had taken up in the past. Let them not be untrue to the position they had always taken up. Irish liberty was sure to come and the Government would not help themselves in Ireland by backing up this exceptional legislation. He would remind hon. Members of a remark of Robespierre that it was not by the criminal law that they regenerated a country.

MR. T. L. CORBETT (Down, N.) said the Prime Minister had given no notice to the House why this Act should be omitted from the Expiring Laws (Continuance) Bill, and very few of them gathered what the explanation of the Chief Secretary was. Although he and his colleagues ought to be experts upon this subject the right hon. Gentleman had failed to make it clear to the House what the reason for that omission was. He thought he could make the cause clear, and that was the Motion standing in the name of the hon. Member for Waterford in opposition to the Bill. This had led to the Government surrender. It was one more of these surrenders to which they were becoming accustomed.

MR. WILLIAM RUTHERFORD (Liverpool, West Derby) said that if they had a Government in office who wished to take in hand legislation of a useful character, the schedule of this Bill would afford them scope for their activity in regard to the well-being of the people. There were thirty-five Acts of Parliament in the schedule, and he was

Sir H. Campbell-Bannerman.

opposed to dealing with legislation in this objectionable and slipshod manner. It would hardly be realised by Members who had not been in previous Parliaments that taking one of the mere temporary Acts included in the schedule, there had been an amending Bill passed to it of a most complicated and remarkable character. The Libraries Act of 1883 was a very complicated measure, and although it was included in this schedule by an amending Act, it had been changed. That was the way in which these temporary Acts intended as experiments, and passed for a short period, were dealt with. They were actually amended, while they were still continued as temporary measures. It seemed to him like building upon what Ministers must know to be a temporary and a shifting foundation. He found that no less than fourteen of the Acts in the schedule were in the Expiring Laws (Continuance) Act of 1875. If they really intended to deal with practical legislation here was an opportunity for the Government. Let them take these fourteen Acts and make them permanent. He ventured to make these few remarks because he intended in Committee to propose that several of the Bills contained in the schedule should be made part of the permanent legislation of the country. There was very little to be said against an Act which had received approval on thirty-one occasions. By loading the schedule with the fourteen Acts he had referred to, it made it impossible to say that a particular Bill should be read a second time this day three months, because if that was carried they would lose all these fourteen Acts that had been proved to be so beneficial. Lord Salisbury in 1873 said that this Bill was merely a means to enable Parliament and Ministers to cheat themselves and the country by smuggling through critical Acts to which there was often serious objection. That statement particularly applied to all the twenty-one Bills which he had mentioned. Of the Bills in the schedule the fourteen and perhaps two of the twenty-one ought to be made permanent, and the balance, or at least a considerable portion of the balance, ought not to be re-inserted. In the Committee it would be the endeavour of some Mem-

bers to see that principle carried out. He protested against this sort of legislation most earnestly as he thought it very objectionable.

MR. LUPTON (Lincolnshire, Sleaford) was understood to say there were Acts in this schedule which in the light of modern events certainly ought to be discussed, but no opportunity was given to discuss them. Many of them would not stand the test of a full dress debate. He objected to the Bill because it allowed Acts to be continued that ought not to go through at all. If the Government would let him discuss one Bill which was in this schedule at the Committee stage he would not delay the House further, but what would happen would be that when they commenced to discuss Irish measures the closure would be moved and the debate brought to a close.

*MR. SPEAKER: The proper course would be for the hon. Member to move to omit the objectionable Act from the schedule. He would then have the opportunity he desired. He could not have that opportunity now.

Bill read a second time, and committed for to-morrow.

NATIONAL GALLERIES OF SCOTLAND (EXPENSES).

Considered in Committee.

(In the Committee.)

[Mr. EMMOTT (Oldham) in the Chair.]

Motion made, and Question proposed
“That it is expedient to authorise the payment, out of moneys provided by Parliament, of the Cost of Maintenance and repair of the National Gallery and other buildings in Scotland, and of all Expenditure incurred in connection therewith under any Act of the present session to establish a Board of Trustees to manage the National Galleries of Scotland, and for other purposes; and to authorise the charge on the Consolidated Fund of an Annuity of £2,000 presently payable out of moneys provided by Parliament in pursuance of such Act”—
(*Mr. Sinclair.*)

MR. MORTON (Sutherland) asked the Secretary for Scotland what this was all about, what was the meaning of it, and whether the Government intended to pass it through the House if objection was taken to it.

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire) said that this was money which had hitherto been voted annually. It was placed on the Votes in accordance with the Act of Union. Part of the work the National Gallery proposed to carry out would be carried out by means of moneys that would be placed on the Consolidation Fund, and the Resolution now before the Committee was to carry that out.

LORD BALCARRES said the Secretary for Scotland in his reply had only referred to the £2,000 paid under the Treaty of Union, and no Resolution was necessary for the continuance of that. The reason this Resolution was brought in was because funds were going to be authorised out of the Treasury which now came from another source. In view of the very serious financial statements which were on the Paper to-day he would ask the right hon. Gentleman if he could say what was the total charge involved.

MR. SINCLAIR said he was unable to give either the total charge or the details. Under the Bill the Treasury had

undertaken certain expenses hitherto borne by Scottish money. Part of the new arrangement came to was that the expenses of maintenance of building should now be borne entirely by the Treasury. This Resolution was to make good that arrangement, and to enable the consideration of the Bill to be proceeded with on Friday next.

MR. WILLIAM RUTHERFORD complained that the right hon. Gentleman had moved a Resolution involving a considerable amount of public money, and had had the audacity to admit that he could neither state the total amount involved nor give the details. In order to protect the House against this method of legislation, and to ensure that when a responsible person on behalf of the Government came forward with a Resolution to commit the House of Commons to the payment of a large sum of money he should at all events be able to give the rough total and some ideas as to details, he begged to move to report progress, and ask leave to sit again as a protest against this way of conducting the business.

Motion made, and Question put, "That the Chairman do report progress; and ask leave to sit again."—(Mr. William Rutherford.)

The Committee divided:—Ayes, 31
Noes, 210. (Division List No. 490.)

AYES.

Anson, Sir William Reynell
Arkwright, John Stanhope
Aubrey-Fletcher, Rt. Hon. Sir H.
Balcarres, Lord
Barrie, H. T. (Londonderry, N)
Beckett, Hon. Gervase
Bridgeman, W. Clive
Carlile, E. Hildred
Cavendish, Rt. Hon. Victor C. W.
Courthope, G. Loyd
Craig, Capt. James (Down, E.)
Craik, Sir Henry

Finch, Rt. Hon. George H.
Hamilton, Marquess of
Hunt, Rowland
Kewick, William
Long, Rt. Hon. Walter (Dublin, S.)
Lonsdale, John Brownlee
Marks, H. H. (Kent)
Morpeth, Viscount
Nield, Herbert
Scott, Sir S. (Marylebone, W.)
Sloan, Thomas Henry
Smith, F. E. (Liverpool, Walton)

Starkey, John R.
Talbot, Lord E. (Chichester)
Thomson, W. Mitchell (Lanark)
Valentia, Viscount
Walrond, Hon. Lionel
Williams, Col. R. (Dorset, W.)
Younger, George

TELLERS FOR THE AYES—Mr.
Watson Rutherford and Mr.
Claude Hay.

NOES

Abraham, William (Rhondra)
Acland, Francis Dyke
Agnew, George William
Ailen, A. Acland (Christchurch)
Allen, Charles P. (Stroud)
Asquith, Rt. Hon. Herbert Henry
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Percy (Bedford)
Barnard, E. B.

Barry, E. (Cork, S.)
Beaumont, Hn. W. C. B. (Hexm'm)
Benn, W. (T'w'r Hamlets, S. Geo.)
Bertram, Julius
Billson, Alfred
Boland, John
Brace, William
Brodie, H. C.
Brooke, Stopford
Bryce, Rt. Hon. James (Aberdeen)

Burke, E. Haviland
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Cairns, Thomas
Causton, Rt. Hon. Richard Knight
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Winston Spencer

Clancy, John Joseph
 Clough, William
 Cobbold, Felix Thornley
 Cogan, Denis J.
 Collins, Stephen (Lambeth)
 Condon, Thomas Joseph
 Corbett, CH. (Sussex, E. Grinst'd
 Cornwall, Sir Edwin A.
 Cory, Clifford John
 Cowan, W. H.
 Crean, Eugene
 Dalziel, James Henry
 Davies, David (Montgomery Co.)
 Davies, Timothy (Fulham)
 Davies, W. Howell (Bristol, S.)
 Delany, William
 Dewar, Arthur (Edinburgh, S.)
 Dilke, Rt. Hon. Sir Charles
 Dobson, Thomas W.
 Dolan, Charles Joseph
 Donelan, Captain A.
 Duncan, C. (Barrow-in-Furness)
 Dunn, A. Edward (Camborne)
 Dunne, Major E. Martin (Walsall)
 Edwards, Clement (Denbigh)
 Elibank, Master of
 Erskine, David C.
 Essex, R. W.
 Evans, Samuel T.
 Farrell, James Patrick
 Fenwick, Charles
 Ferens, T. R.
 Ffrench, Peter
 Fiennes, Hon. Eustace
 Findlay, Alexander
 Flavin, Michael Joseph
 Fuller, John Michael F.
 Fullerton, Hugh
 Gilhooly, James
 Gill, A. H.
 Ginnell, L.
 Gladstone, Rt. Hn. Herbert John
 Goddard, Daniel Ford
 Greenwood, G. (Peterborough)
 Gulland, John W.
 Gurdon, Sir W. Brampton
 Gwynn, Stephen Lucius
 Halpin, J.
 Haworth, Arthur A.
 Hayden, John Patrick
 Healy, Timothy Michael
 Hedges, A. Paget
 Helme, Norval Watson
 Hemmerde, Edward George
 Henry, Charles S.
 Herbert, Col. Ivor (Mon., S.)
 Higham, John Sharp
 Hobart, Sir Robert
 Hogan, Michael
 Holland, Sir William Henry
 Hope, W. Bateman (Somerset N.)
 Howard, Hon. Geoffrey

Hudson, Walter
 Illingworth, Percy H.
 Johnson, John (Gateshead)
 Jones, Leif (Appleby)
 Jowett, F. W.
 Joyce, Michael
 Kennedy, Vincent Paul
 Kincaid-Smith, Captain
 Laidlaw, Robert
 Lambert, George
 Lamont, Norman
 Law, Hugh A. (Donegal, W.)
 Lever, A. Levy (Essex, Harwich)
 Levy, Maurice
 Lewis, John Herbert
 Lough, Thomas
 London, W.
 Lupton, Arnold
 Lyell, Charles Henry
 MacNeill, John Gordon Swift
 MacVeagh, Jeremiah (Down, S.)
 MacVeigh, Chas. (Donegal, E.)
 McArthur, William
 McCallum, John M.
 McCrae, George
 McKean, John
 M'Laren, Sir C. B. (Leicester)
 M'Micking, Major G.
 Mansfield, Harry (Northants)
 Mansfield, H. Rendall (Lincoln)
 Meagher, Michael
 Meehan, Patrick A.
 Micklem, Nathaniel
 Mooney, J. J.
 Morgan, G. Hay (Cornwall)
 Morrell, Philip
 Morse, L. L.
 Morton, Alpheus Cleophas
 Murnaghan, George
 Murphy, John
 Nannetti, Joseph P.
 Newnes, F. (Notts, Bassetlaw)
 Nicholls, George
 Nolan, Joseph
 Norman, Sir Henry
 O'Brien, Kendal (Tipperary Mid.)
 O'Brien, Patrick (Kilkenny)
 O'Doherty, Philip
 O'Donnell, C. J. (Walworth)
 O'Donnell, John (Mayo, S.)
 O'Donnell, T. (Kerry, W.)
 O'Grady, J.
 O'Hare, Patrick
 O'Kelly, Jas. (Roscommon, N.)
 O'Malley, William
 Paul, Herbert
 Paulton, James Mellor
 Pirie, Duncan V.
 Power, Patrick Joseph
 Price, C. E. (Edinb'gh, Central)
 Priestley, W. E. B. (Bradford, E.)
 Radford, G. H.

Rainy, A. Rolland
 Reddy, M.
 Redmond, John E. (Waterford)
 Redmond, William (Clare)
 Renton, Major Leslie
 Richards, Thos. (W. Monm'th)
 Richardson, A.
 Rickett, J. Compton
 Ridsdale, E. A.
 Roberts, Chas. H. (Lincoln)
 Roberts, G. H. (Norwich)
 Roberts, John H. (Denbighs.)
 Robinson, S.
 Robson, Sir William Snowdon
 Russell, T. W.
 Samuel, Herbert L. (Cleveland)
 Samuel, S. M. (Whitechapel)
 Scarisbrick, T. T. L.
 Scott, A. H. (Ashton under Lyne)
 Seely, Major J. B.
 Shackleton, David James
 Shaw, Charles Edw. (Stafford)
 Sheehy, David
 Sherwell, Arthur James
 Shipman, Dr. John G.
 Silcock, Thomas Ball
 Simon, John Allsebrook
 Sinclair, Rt. Hon. John
 Smyth, Thos. F. (Leitrim, S.)
 Soares, Ernest J.
 Straus, B. S. (Mile End)
 Strauss, E. A. (Abingdon)
 Sullivan, Donal
 Summerbell, T.
 Taylor, John W. (Durham)
 Taylor, Theodore C. (Radcliffe)
 Thompson, J. W. H. (Somerset, E.)
 Toulmin, George
 Ure, Alexander
 Verney, F. W.
 Walsh, Stephen
 Ward, John (Stoke upon Trent)
 Ward, W. Dudley (South'mpt'n)
 Wason, John Cathcart (Orkney)
 Watt, H. Anderson
 Whitbread, Howard
 White, George (Norfolk)
 White, Luke (York, E. R.)
 White, Patrick (Meath, North)
 Whitley, J. H. (Halifax)
 Williams, Llewelyn (Carmarth'n)
 Williamson, A.
 Wilson, Henry J. (York, W. R.)
 Wilson, P. W. (St. Pancras, S.)
 Wilson, W. T. (Westhoughton)
 Winfrey, R.

TELLERS FOR THE NOES—Mr.
 Whiteley and Mr. J. A.
 Pease.

Original Question again proposed.

MR. MORTON said he asked just now whether before getting the money the Government intended to press this Bill through at all costs.

*THE CHAIRMAN: We are merely on the Resolution now, and not the Bill.

MR. MORTON said this was the Resolution asking for money, and he would ask if he were not entitled to ventilate grievances.

*THE CHAIRMAN: The hon. Member must take notice of the rules of order.

In this case we are not considering the Bill but a money Resolution.

MR. MORTON said that without that money they could not get on, and he objected to getting this money to-night until the questions he had put had been answered. They had not yet had a chance of discussing the matter. They had never had a Second Reading debate, and now apparently there was an attempt to push it through at all costs without debate or Amendment.

MR. DALZIEL (Kirkcaldy Burghs), hoped his hon. friend would not persist in his observations, because it was rather unjust to Scotland at this late period of the session, when at last something at all events was being brought forward of some interest to the country, that they should protest against its being taken, more especially as money was involved. He did not think his hon. friend would be abandoning any principle by accepting all the money the Government were prepared to give, and he hoped he would not press his opposition at this stage.

MR. CLAUDE HAY (Shoreditch, Hoxton) thought the Secretary for Scotland might have obtained the desired information during the opportunity that was afforded by the division on the Motion to report progress. This Resolution did not appear on the Order Paper.

*THE CHAIRMAN said it was quite unusual to put these Motions on the Order Paper, so that hardly formed a proper subject of complaint.

MR. CLAUDE HAY said it was all the more incumbent upon the Minister in charge to give some information. Was the Committee of the House of Commons to be assembled at midnight in order that the Secretary for Scotland should propose money Resolutions without informing the Committee what was the capital sum involved? If the right hon. Gentleman could not give after ten months even the slightest indication of how much money he was proposing should be devoted to the purpose of the National Gallery of Scotland, either the right hon. Gentleman must be very inartistic, or—if he would allow him to say so—very incompetent.

Mr. Emmott.

MR. SINCLAIR said he would endeavour to repeat the explanation which he had purposely made very brief at that hour of the night. The money Resolution the Committee were now considering consisted of two parts. It was necessary because the Bill involved an extra expenditure of public money. The first part authorised the expenditure out of Votes in connection with the National Gallery of Scotland. These charges amounted last year to something between £3,000 and £4,000, but it was not possible to tell precisely what the extra charge under this head would come to, and it was not possible on that occasion to go into the details of the proposals in the Bill. The charges were perfectly simple and of a routine character. Some of the maintenance charges of these buildings had been paid hitherto out of income of the Board of Manufactures in Scotland. Some of these charges would be borne by the Treasury. Another charge was that for the maintenance of a new building to be purchased for the use of the Royal Society. These charges would not be excessive; they would be usual charges, and would be open to the scrutiny of the House of Commons. Therefore he did not think fears need be entertained with regard to them. The second part of the Resolution dealt with the placing of an annuity of £2,000 which had been hitherto voted by Parliament for this purpose. The Government thought they were right in following the recommendation of the Committee which inquired into this matter, that this annuity should be placed upon the Consolidated Fund. He did not think it would be in order to enter into details as to the proposals they could be discussed in detail on the Committee stage of the Bill, which had already passed Second Reading. Everything would then be made plain to hon. Members opposite so far as it was in his power to make it plain.

MR. WILLIAM RUTHERFORD said the Committee had had an extraordinary explanation of a kind from the Secretary for Scotland. In the first place the right hon. Gentleman informed them that these items were to be found in the Votes. It seemed to be a little inconsistent that the right hon. Gentleman should then tell them that hitherto the first portion had

been paid out of the funds of the Board of Manufactures. If so, how was it that they had previously been in the Votes ?

MR. SINCLAIR said the hon. Gentleman was confusing two things. The first portion of his remarks was directed to charges which would be on the Votes, and the second portion was directed to the £2,000 annuity which alone would be placed on the Consolidated Fund.

MR. WILLIAM RUTHERFORD said the House had recently provided ten seats

in this House in order that the officials might attend with information for Ministers, and it seemed to be worth more than a protest on this occasion that despite those facilities the required information was not forthcoming.

MR. McCRAE (Edinburgh, E.) moved that the Question be now put.

Question put, "That the Question be now put."

The Committee divided:—Ayes, 181 ; Noes, 18. (Division List No. 491.)

AYES.

Abraham, William (Rhondda)
Acland, Francis Dyke
Agnew, George William
Allen, A. Acland (Christchurch)
Allen, Charles P. (Stroud)
Asquith, Rt. Hon. Herbert Henry
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barlow, Percy (Bedford)
Barnard, E. B.
Barry, E. (Cork, S.)
Beaumont, Hn. W. C. B. (Hexh'm
Benn, W. (T'w'r Hamlets, S. Geo.)
Bertram, Julius
Billson, Alfred
Boland, John
Brace, William
Brodie, H. C.
Brooke, Stopford
Bryce, Rt. Hon. Jas. (Aberdeen)
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Causton, Rt. Hon. Richard Knight
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clancy, John Joseph
Clough, William
Cogan, Denis J.
Collins, Sir Wm. J. (S. Pancras, W)
Condon, Thomas Joseph
Corbett, C. H. (Sussex, E. Grinstead)
Cornwall, Sir Edwin A.
Cory, Clifford John
Cowan, W. H.
Crean, Eugene
Dalziel, James Henry
Davies, David (Montgomery Co.)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Delany, William
Dilke, Rt. Hon. Sir Charles
Dobson, Thomas W.
Dolan, Charles Joseph
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Dunno, Major E. Martin (Walsall)
Edwards, Clement (Denbigh)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Evans, Samuel T.

Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Fiennes, Hon. Eustace
Findlay, Alexander
Flavin, Michael Joseph
Fuller, John Michael F.
Fullerton, Hugh
Gilhooly, James
Gill, A. H.
Ginnell, L.
Gladstone, Rt. Hon. Herbert John
Goddard, Daniel Ford
Gulland, John W.
Gwynn, Stephen Lucius
Halpin, J.
Haworth, Arthur A.
Hayden, John Patrick
Hedgès, A. Paget
Helme, Norval Watson
Henry, Charles S.
Herbert, Col. Ivor (Mon., S.)
Higham, John Sharp
Hobart, Sir Robert
Hogan, Michael
Hope, W. Bateman (Somerset, N)
Howard, Hon. Geoffrey
Hudson, Walter
Illingworth, Percy H.
Johnson, John (Gateshead)
Jones, Leif (Appleby)
Joyce, Michael
Kennedy, Vincent Paul
Laidlaw, Robert
Lamont, Norman
Lever, A. Levy (Essex, Harwich)
Levy, Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Lyell, Charles Henry
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.)
MacVeigh, Chas. (Donegal, E.)
McArthur, William
McCallum, John M.
McCrae, George
McLaren, Sir C. B. (Leicester)
McMicking, Major G.
Manifold, Harry (Nonthants)
Marks, G. Croydon (Launceston)

Meagher, Michael
Meehan, Patrick A.
Morgan, G. Hay (Cornwall)
Morse, L. L.
Morton, Alpheus Cleophas
Murnaghan, George
Murphy, John
Nannetti, Joseph P.
Newnes, F. (Notts, Bassetlaw)
Nicholls, George
Norman, Sir Henry
O'Brien, Kendal (Tipperary Mid.)
O'Brien, Patrick (Kilkenny)
O'Doherty, Philip
O'Donnell, C. J. (Walworth)
O'Donnell, John (Mayo, S.)
O'Donnell, T. (Kerry, W.)
O'Grady, J.
O'Hare, Patrick
O'Malley, William
Paul, Herbert
Paulton, James Mellor
Pirie, Duncan V.
Power, Patrick Joseph
Price, C. E. (Edinb'gh, Central)
Priestley, W. E. B. (Bradford, E.)
Radford, G. H.
Rainy, A. Rolland
Reddy, M.
Redmond, John E. (Waterford)
Redmond, William (Clare)
Renton, Major Leslie
Richards, Thos. (W. Monm'th)
Richardson, A.
Rickett, J. Compton
Ridsdale, E. A.
Roberts, G. H. (Norwich)
Robinson, S.
Robson, Sir William Snowden
Russell, T. W.
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scarisbrick, T. T. L.
Scott, A. H. Ashton-under-Lyne
Seely, Major J. B.
Shackleton, David James
Shaw, Charles Edw. (Stafford)
Sheehy, David
Sherwell, Arthur James
Shipman, Dr. John G.
Silecock, Thomas Ball
Simon, John Allsbrook

Sinclair, Rt. Hon. John
 Smyth, Thos. F. (Leitrim, S.)
 Soares, Ernest J.
 Strauss, E. A. (Abingdon)
 Sullivan, Donal
 Taylor, John W. (Durham)
 Taylor, Theodore C. (Radeliffe)
 Thompson, J. W. H. (Somerset, E)
 Toulmin, George
 Ure, Alexander

Verney, F. W.
 Walsh, Stephen
 Ward, W. Dudley (Southampt'n
 Wason, John Cathcart (Orkney)
 Watt, H. Anderson
 Whitbread, Howard
 White, Luke (York, E. R.)
 White, Patrick (Meath, North)
 Whitley, J. H. (Halifax)
 Williams, Llewelyn (Carmarth'n

Williamson, A.
 Wilson, Henry J. (York, W. R.)
 Wilson, P. W. (St. Pancras, S.)
 Wilson, W. T. (Westhoughton)
 Winfrey, R.

TELLERS FOR THE AYES—Mr.
 Whiteley and Mr. J. A.
 Pease.

NOES.

Arkwright, John Stanhope
 Aubrey-Fletcher, Rt. Hon. Sir H.
 Balcarres, Lord
 Barrie, H. T. (Londonderry, N.)
 Bridgeman, W. Clive
 Carlile, E. Hildred
 Courthope, G. Loyd
 Finch, Rt. Hon. George H.

Hamilton, Marquess of
 Hunt, Rowland
 Keswick, William
 Long, Col. Chas. W. (Evesham)
 Long, Rt. Hon. Walter (Dublin, S.)
 Marks, H. H. (Kent)
 Morpeth, Viscount
 Nield, Herbert

Starkey, John R.
 Walrond, Hon. Lionel
 Williams, Col. R. (Dorset, W.)

TELLERS FOR THE NOES—Mr.
 Watson Rutherford and Mr.
 Claude Hay.

Question put accordingly, and agreed to.

Resolved, "That it is expedient to authorise the payment, out of moneys provided by Parliament, of the Cost of Maintenance and Repair of the National Gallery and other buildings in Scotland, and of all Expenditure incurred in connection therewith under any Act of the present session to establish a Board of Trustees to manage the National Galleries of Scotland, and for other purposes; and to authorise the charge on the Consolidated Fund of an Annuity of two thousand pounds presently payable out of moneys provided by Parliament in pursuance of such Act."

Resolution to be reported this day.

LAND TAX COMMISSIONERS BILL.
 Considered in Committee.

(In the Committee.)

[MR. EMMOTT (Oldham) in the Chair.]

Clause 1:—

SIR CHARLES DILKE (Gloucestershire, Forest of Dean) moved an Amendment providing for publication of the Land Tax Commissioners' names and summons to meetings. He said that the Secretary of the Treasury promised some time ago that the publication should be otherwise than in the *London Gazette*, which was very unsatisfactory. The matter was one of importance on account of the appointment by the Land Tax Commissioners of the

Income-Tax Commissioners of both kinds, and of their assessors and clerks. It was obvious that the selection of the Commissioners should not be done in a hole and corner manner, and the Amendment he moved merely gave effect to the promise made.

Amendment proposed.

MR. J. H. LEWIS (Flintshire) said his hon. friend the Secretary of the Treasury was absent owing to a regrettable circumstance. On behalf of the Government he accepted the Amendment.

Question put, and agreed to.

Amendment proposed—

"In page 1, line 17, after the word 'estate' to insert the words 'either landed or personal.'"—(Mr. Claude Hay.)

Question, "That those words be there inserted," put, and agreed to.

Bill reported; as amended to be considered to-morrow.

SMALL LANDHOLDERS (SCOTLAND)
 BILL.

Order for Second Reading read, and discharged; Bill withdrawn.

Whereupon MR. DEPUTY SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at twenty-seven
 minutes after Twelve o'clock.

HOUSE OF LORDS.

Wednesday, 12th December, 1906.

PETITIONS.

PUBLIC SLAUGHTER HOUSES BILL. [H.L.]

Petition for Amendment of; of Royal College of Veterinary Surgeons. Read, and ordered to lie on the Table.

TRADE DISPUTES BILL.

Petitions for Amendment of: of Master Masons Association of Glasgow and neighbourhood; Members of Scottish Building Trades Federation (signing); and Members of Yorkshire Glass Bottle Manufacturers Association (signing); Read and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

POPLAR UNION.

Transcript of shorthand notes taken at the public inquiry held by J. S. Davy, C.B., Chief General Inspector of the Local Government Board, into the general conditions of the Poplar Union, its pauperism, and the administration of the Guardians and their officers. Presented (by Command) and ordered to lie on the Table.

BUSINESS ARRANGEMENTS.

THE LORD PRIVY SEAL (The Marquess of Ripon): My Lords, my noble friend opposite, Lord Lansdowne, asked me the other night to state what were the prospects of bringing the session to a conclusion before Christmas. That is a question which it is really much easier for noble Lords opposite to answer than for myself, because it depends entirely on the length at which they may think it necessary to discuss the various measures that may be presented to them. And there is also another element of uncertainty connected with the Education Bill. It is quite impossible, not knowing the intentions of noble Lords opposite in respect to that measure, to say how long it may occupy your Lordships' attention when it comes back from the House of Commons. It may go back

from one House to the other more than once, and it is, therefore, quite impossible for me to pledge myself as to the length of time the business likely to be before the House will occupy; but I can assure my noble friend that His Majesty's Government are quite as anxious as any noble Lords opposite can be that the session should be brought to a conclusion before Christmas, and that no effort will be wanting on our part to bring about that most desirable conclusion. I am bound to say that while I hope—I make no prophecy, because that is impossible—but while I hope that that result may be produced, it will be impossible to do so unless your Lordships are willing to sit on Friday next from 12 to 3 o'clock, and on the following Friday in the same way. Therefore I repeat the notice which I gave the other day, that at the conclusion of business to-morrow I shall move that this House do sit on Friday at 12 o'clock.

*THE MARQUESS OF LANSDOWNE: My Lords, the noble Marquess suggests that it is rather for us to decide whether the business of the House shall be got through before the Christmas holidays or not. That is, if I may say so, only a half-truth, because, although no doubt it will be in the power of your Lordships to delay the progress of business by prolonged discussion, it is, on the other hand, in the power of noble Lords opposite to prolong that business indefinitely by bringing, as they have done, fresh measures before us in the last days of the session, measures which we certainly had no reason whatever for believing were included in the Ministerial programme. Then the noble Marquess says with great truth that something must depend upon the fate of the Education Bill, and the amount of your Lordships' time which may or may not be occupied by that measure. There it is quite impossible for me to come to the noble Marquess's assistance. That Bill is before the House of Commons, and until your Lordships know in what shape it will come back to this House it would clearly be most improper that any intimation should be made by us as to the manner in which the Bill will be dealt with. But, my Lords, the point of the noble Marquess' observations was directed to the claim which he means to make upon our Fridays during the time that will pass between

An Asterisk (*) at the commencement of a Speech indicates revision by the Member.

the present date and the Christmas holidays. As to that I venture to adhere to what I said the other evening, that in my belief noble Lords on this side of the House, even at the cost of considerable inconvenience, would be ready to sit on Fridays, but I added that it seemed to me that that sacrifice was one which they ought hardly to be asked to make unless there was at any rate a reasonable prospect of despatching the remaining business before the Christmas holidays begin. In spite of what the noble Marquess said at the beginning of his remarks, it does seem to me that it rests rather with noble Lords opposite than with us to decide whether that business shall be so got through or not.

THE EARL OF CAMPERDOWN: My Lords, might I repeat a Question which I put the other day, and to which I hope I shall now be successful in getting an Answer. The Question I desire to ask is, What Bills, if any, other than those which are now before the House, does the noble Marquess intend to bring up? The noble Marquess said a good deal depended on Peers on this side of the House as to whether the session can be concluded before Christmas, and he said that for that purpose he intended to ask the House to sit on Fridays. No doubt the House will, as has been intimated by the noble Marquess the Leader of the Opposition, when it is so asked, agree to that, if there is any use in agreeing, but if there are to be brought up any more Bills than those now before the House, I do not see how it is possible even if your Lordships sit also on Saturdays, to complete the task before Christmas. I have been a great many years a member of your Lordships' House, but I never recollect a demand made on the time of Parliament like that which has been made on this occasion. Nobody has expressed any impatience, and I am sure no one can say that any undue amount of attention has been given to any Bill before the House; but I think the time has come when any noble Lord would be perfectly within his right in moving that after a certain date we should decline to give consideration to any fresh Bills. Suppose two or three Bills are brought up at the end of next week, is Parliament expected to sit on for an unknown length of time in

The Marquess of Lansdowne.

order that they may be able carefully to consider them? Or, on the other hand, is the House of Lords expected to pass those Bills without any consideration or any reference to the importance of the principles which they involve? I am sure the noble Marquess the Leader of the House would be most unwilling to adopt any course of that kind, because no one has a higher respect for the rights and privileges of this House than he has; but I must say that if anything of that kind is intended, it seems to me that a very serious attack would be made on the rights, and, moreover, on the duties of this House.

*LORD BALFOUR OF BURLEIGH: My Lords, before the Government reply I should like to say that I associate myself entirely with what has fallen from the noble Earl below the Gangway, and especially if we are to be expected to pass measures without discussion and then to have the taunt afterwards levelled at us that we have acquiesced in them. If we reject a Bill, certainly we do not acquiesce; but if we pass it reluctantly, however, we are told afterwards, as we were told the other evening by the noble Earl the Lord President of the Council, that we are *particeps criminis*, and that we have acquiesced in everything that has been done. I think the taunt the other day makes it absolutely necessary that we should have full and adequate opportunity for discussion. I should like to ask the Government, assuming that the House will sit on Friday, what the business will be.

LORD HENEAGE: May I ask, before the Government reply, whether there is any prospect of the noble Earl the President of the Board of Agriculture and Fisheries being in his place to-morrow, and, if not, whether the Land Tenure Bill will be taken in his absence?

THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): My Lords, in reply to the noble Lord who has just sat down, we hope that my noble friend Lord Carrington will be in his place to-morrow, but I understand that in the unfortunate event of his not being able to be here the Bill will still be taken, the charge of it being in the hands of some

other member of the Government. As to what was said by Lord Balfour of Burleigh, I do not remember having levelled any taunt against him with regard to the passage of Bills.

***LORD BALFOUR OF BURLEIGH:** The noble Earl told us, when we were objecting to breaches of contract, that we were responsible equally with noble Lords on the Ministerial side of the House in passing a measure which involved a breach of contract.

THE EARL OF CREWE: I am not sure that it was I who made the observation to which the noble Lord refers. I did not intend to level any kind of taunt at the House, nor does anybody on this side expect that measures should be passed without adequate discussion. So far as the business of these autumn sittings has gone, I do not think it is possible in turn to level a taunt by saying that measures have not been adequately discussed. Last night a very important and complicated measure—the Merchant Shipping Bill—received, as we thought, an extremely adequate measure of discussion being dealt with in great detail by your Lordships. Now, as regards the question asked by the noble Earl, there are two measures which have not yet reached the House, and which I think I mentioned in reply to him the other day—the Workmen's Compensation Bill, and the Education (Provision of Meals) Bill—which are no doubt in their different ways of considerable importance. The Third Reading of both of those measures is expected to take place in the House of Commons within the next day or two, and, therefore, I think it is safe to assume that there is no measure, at any rate of anything more than a formal character, which will come up from the House of Commons towards the end of next week. On the general question, my noble friend behind me was, I think, perfectly justified in saying that to some extent it must necessarily be a matter for noble Lords opposite to decide whether or not it is possible for us to rise before Christmas. What my noble friend was anxious to avoid doing was to give an absolute pledge that if we sat on Fridays it would be possible to wind up the session

before Christmas. It really was not in his power to make a promise of that kind, and what specially makes it impossible is that nobody knows as yet in what manner the discussion of the Education Bill on its return to this House will take place, or how long a time it will occupy. That fact alone makes it impossible for my noble friend behind me to give an absolute pledge on this subject.

THE EARL OF MAYO: May I ask the noble Earl what is the business for Friday next?

THE EARL OF CREWE: The business which we have put down provisionally for Friday, in addition to the Third Reading of some Private Bills, is the Report Stage of the Town Tenants (Ireland) Bill, and the Report Stage of the Merchant Shipping Bill.

VISCOUNT ST. ALDWYN: My Lords, there was, I think, an understanding in the House yesterday that the shape of a very important clause in the Town Tenants (Ireland) Bill depended on the shape which a similar clause might take in the Land Tenure Bill. It is perfectly possible that we may not conclude the Committee Stage of the Land Tenure Bill to-morrow, and in that case I presume the noble Earl would not proceed with the Town Tenants Bill on Friday.

THE EARL OF CREWE: I hope that will not occur. I trust we may finish the Committee Stage of the Land Tenure Bill to-morrow, but, if not, there are, I think, three small Bills awaiting Second Reading which are of a non-contentious character, but which no doubt in each case would need a certain amount of explanation. I think it would be well to put those down for Friday.

LORD RIBBLESDALE: As I am partly responsible for manning our desolate Benches on this (the Ministerial) side, I should like to ask the noble Marquess the Leader of the House whether twelve to three o'clock on Friday is to be an arbitrary limit or not, or whether it may mean that at a pinch we may sit, as we did last night, till five minutes past midnight.

THE MARQUESS OF RIPON: I confess that when a shot is fired into me from behind I am in a very difficult position. All I can tell my noble friend is this, that I propose that the House should sit from 12 to 3 p.m. I believe that that is the most convenient arrangement, or, perhaps I ought rather to say, the least inconvenient arrangement which I can propose with regard to the matter; and I will say at once, knowing that your Lordships will be put to much inconvenience by sitting on Friday, that I do mean that the business should be brought to a conclusion at three o'clock.

THE CASE OF THE SS. "SNOWDON."

*LORD MUSKERRY rose to call attention to the methods adopted by the Board of Trade in the prosecution of the master of the ss. Snowdon on a criminal charge in connection with the navigation of his ship, in which case before commencing any proceedings the master was asked to attend the solicitors to the Board of Trade to make a statement to them, on which statement the prosecution was subsequently founded; and also to call attention to the fact that previous to the issue of the summons the Board of Trade's solicitors were in possession of statements from independent witnesses entirely in favour of the accused, but refused to call those witnesses on the hearing, a course which might have led to a grave mis-carriage of justice; and to move to resolve "that, in the opinion of this House, in the interests of justice in all future prosecutions, before taking any statement from a person against whom it is contemplated to institute criminal proceedings, it be an instruction to persons acting on behalf of the Board of Trade to inform the person from whom they desire to obtain the statement, that he should be advised by his own solicitors as to the desirability of making any statement, and that in all cases of criminal prosecutions of this nature no evidence obtained by the Board of Trade in favour of the accused be withheld from the tribunal investigating the charge."

The noble Lord said: My Lords, the whole of this case is very clearly set

out on the Order Paper. In their dealing with captains and officers there seems to be a certain amount of animus shewn by the Board of Trade. Instead of acting as a perfectly impartial body, the Board seems to assume that each captain and officer must be guilty. In this case the Board of Trade proceeded to get a statement from the captain against whom they were contemplating instituting criminal proceedings. They also obtained statements from six witnesses, two of whom were independent, the other four being connected, I think, with the opposing ship. These six witnesses all testified in favour of the captain. The Board of Trade, however, suppressed that evidence, and the only evidence they brought forward was that of the captain and the mate of the opposing ship. On the evidence of the prosecution the Court said there was no case, and did not call evidence for the defence at all. In Common Law a prisoner, when arrested, is warned that any statement he makes may be used against him. If your Lordships will look at the statement of the facts on the Paper you will, I am sure, agree with me that the course taken in this case was altogether a most scandalous proceeding. In these circumstances I beg to move the Motion standing in my name.

Moved to resolve: "That in the opinion of this House, in the interests of justice in all future prosecutions, before taking any statement from a person against whom it is contemplated to institute criminal proceedings, it be an instruction to persons acting on behalf of the Board of Trade to inform the person from whom they desire to obtain the statement, that he should be advised by his own solicitor as to the desirability of making any statement, and that in all cases of criminal prosecutions of this nature no evidence obtained by the Board of Trade in favour of the accused be withheld from the tribunal investigating the charge."—(Lord Muskerry.)

THE EARL OF GRANARD: My Lords, I am afraid that the noble Lord has not been correctly informed as to the facts of this case. What took place was that the Board of Trade

received a complaint that when two passenger vessels, the "Snowdon" and the "Carisbrooke," were making for Llandudno Pier, the master of the "Snowdon" crossed ahead of the other vessel and caused serious risk of collision. The case was one which the Board of Trade were bound to take up, and it was necessary to obtain statements and ascertain whether the other vessel was also in fault. It was explained to the manager of the "Snowdon" for what purpose the evidence of the captain of that vessel was required, and when Captain Cox, the master of the "Snowdon," called on the solicitor acting for the Board of Trade, he was told that a statement would be taken from him as to the action of the other vessel, but that, so far as his own action was concerned, a statement was not asked for, as if any proceedings were eventually taken he was the person who would be prosecuted. This was fully explained to him. He replied that he was anxious to submit his own version of the matter to the Board whatever might be the result, and under these circumstances a full statement was taken from him. The suggestion that the prosecution was based on this statement is entirely unfounded. The statement was not used in any way in the prosecution. It was disregarded by the Board and their advisers in coming to a decision to take proceedings, and it was not even read by counsel for the prosecution. The case was taken into Court, and the stipendiary magistrate dismissed the charge against Captain Cox, because he did not think the evidence sufficient, but he refused to give costs against the Board of Trade, as he considered that the Board were quite justified in bringing the case before the court. The firm of solicitors who defended Captain Cox were given every facility for obtaining copies of the statements obtained from the "Snowdon" by the prosecution, and the usual course was then followed, namely: for the prosecution to call the evidence in support of the charge, leaving the defence to call that in answer to the charge. If the prosecution had adopted the unusual procedure of calling evidence in the defendant's favour, this evidence could not have been cross-examined. I have been obliged to

reply at some length, as a question of this nature reflecting on the conduct of proceedings by a Public Department calls for serious treatment, and I was anxious to show your Lordships that there is no foundation whatever for the suggestion that there was any unfairness in the conduct of this case.

LORD MUSKERRY: I do not propose to detain your Lordships by replying to the Noble Earl. I contend that my statement of the facts is correct and that his is wrong. I shall, therefore, publish the whole of the correspondence and circulate it amongst your Lordships.

Motion, by leave, withdrawn.

ARMY ORGANISATION.

THE EARL OF DONOUGHMORE rose to call attention to the delay in circulating the information upon the subject of Army Organisation, ordered to be furnished by Resolution of the House on 24th July, and laid on the Table "in dummy" on the 1st of August last, and to ask the Under-Secretary of State for War if he could state when this information would be printed and circulated.

The noble Earl said: My Lords, it was my intention to put to the noble Earl the Question standing in my name on the Paper, but he has saved me the trouble, because I understand the actual figures reached the printer this morning, and that, after a delay of five and a half months, your Lordships will be able to examine the figures which you ordered. I therefore have no reason to put the Question, but I do wish to call attention to the delay which has taken place, and which I believe to be absolutely inexcusable. [The noble Earl then read the eight heads on which he asked for information on 24th July.] He proceeded: These are all points which must have been worked out by the Government before they made their statement in July. Therefore, why should we have been kept waiting five and a half months before the Return has been laid on the Table? Accusations are frequently made as to the dilatory conduct of the War Office, but I have always stoutly

denied those accusations. In the present case, however, I can see very little answer to that accusation. I have felt it my duty to make this protest against what has happened. In this case I do not think your Lordships' House has been treated with the respect with which you are generally treated by a Public Department.

THE UNDER-SECRETARY OF STATE FOR WAR (The Earl of PORTSMOUTH): My Lords, as a matter of fact it is quite true that the figures in regard to the Regular Army will be supplied to my noble friend. The reason for the delay, to be quite frank, is this; we have been endeavouring to give him such information as we could, and we are still unable to give him information on some of the heads because we consider the information confidential. Some of the figures asked for deal with prospective arrangements still under consideration; and as regards the last request, in which the noble Earl wished us to tell him how many Yeomanry and Volunteers will be ear-marked for certain purposes, that is a matter which we consider forms part of our mobilisation scheme. Therefore, although it would be quite a different matter to let the noble Earl have the figures confidentially, we really cannot place them on the Table and make them public. I can assure the noble Earl that whatever delay has occurred has not arisen from the fault of the War Office, but from the desire of those responsible that we should go closely into all these matters and give the fullest information possible.

THE MARQUESS OF SALISBURY: My Lords, I think your Lordships must have listened to the explanation of the noble Earl with some surprise. It appears that in July last a Motion was made by my noble friend who sits behind me for certain papers. That Motion was accepted by His Majesty's Government, who, I suppose, knew what they were about. The information that was required was set out and the noble Earl the Under-Secretary, having consulted the War Office, was told to say that the Government accepted the Motion. Not only so, but the Motion was put and carried, and

The Earl of Donoughmore.

therefore your Lordships' House ordered these Papers to be laid on the Table. Then the noble Earl proceeded to carry out the order of the House, but he did it "in dummy." Up to that point I suppose the noble Earl still thought he could supply the information and he actually laid "in dummy" information which he now says he cannot give. The noble Lord ought to have known, when he answered my noble friend, whether or not he could give the information, and not to have misled—quite unintentionally, of course—your Lordships into thinking that you could have information which could not be supplied. If he did not find it out then he ought to have found it out before he laid the information "in dummy." But, after it was laid "in dummy," five and a half months have elapsed before the noble Earl has discovered that the information moved for in a Motion which he had accepted, and information which he had laid "in dummy," could not, after all, be given. I really think the noble Earl has been very badly served in his office. It ought to have been the business of someone first of all to have told him he was misleading the House. I think the Government owe some apology to your Lordships for having treated this House with so little consideration in the matter. As to the answer which the noble Lord has now given, he and his colleagues must be the best judges of what can safely be laid on the Table in the public interest, and we should not press them to do more than they consider safe; but I hope in future we shall have answers on which we can rely more confidently.

THE MARQUESS OF RIPON: No doubt it is to be much regretted that this Return, which was promised, cannot be presented; but it is not the first time that this has happened. These mistakes do occur occasionally. I greatly regret that the mistake has occurred in this case, but I am sure your Lordships will agree with me in acquitting the noble Earl of having done anything in any way disrespectful to your Lordships' House.

TRADE DISPUTES BILL.

Order for the Day for the House to be put into Committee read.

Moved, that the House do now resolve itself into the said Committee.—(*The Lord Chancellor.*)

*THE EARL OF WEMYSS: My Lords before the noble and learned Lord leaves the Woolsack I desire to present two petitions, one from the Scottish Builders Trade Association and the other from the Yorkshire Glass and Bottle Manufacturers. They petition against the Bill as it now stands, and say that, instead of diminishing, it will tend to increase trade disputes and embitter the relations between employers and employed. And now may I ask the permission of the House to say a few words generally upon the Bill, because I am so deaf that when the Committee stage is proceeding I am afraid I shall not be able to take part in the debate? I, therefore, ask your Lordships' indulgence while I explain the Amendments which stand in my name on the Paper. These Amendments are not my own Amendments. They are the Amendments of the Employers' Parliamentary Council. That Council is a very important body. It consists of representatives of the Central Associations connected with the shipping, building, iron, glass, printing, cotton, and other textile trades, slate, lime, and limestone industries, cartage contractors, lightermen and barge owners, merchant tailors, silversmiths, potteries, the Farmers' Federation, and heating and domestic engineers—in fact almost all the trades in the country. The Amendments do not at all alter the intended general character of the Bill. They do not even interfere with picketing, except to a certain extent. They are Amendments principally to secure the liberty of labour. They limit the number allowed to picket to three, but they sanction picketing at all entrances to works; there may be three at each entrance. Employers are quite ready to see every entrance picketed, but they think that not more than three persons should be allowed to picket. On the other hand they wish, and I think they are perfectly right, while sanctioning picketing at the works, to forbid anything of the kind elsewhere. They object to men being picketed at their houses. Beside that, they wish to see the provisions of

the Bill restored to the state of the presurrender Bill of the Government. They also wish the funds of trade unions to be divided and the charitable funds to be kept separate from funds for other purposes and to be immune. I think these are Amendments which will commend themselves to your Lordships' favourable consideration. As regards the Bill itself, I think that, as it now stands, it is thoroughly inconsistent with English liberty. Recollect that for every one trade unionist there are nine non-unionists, and therefore this Bill interferes largely with the liberty of those workmen outside the trade unions. Let me quote to your Lordships the description of the Bill which was given by Professor Dicey in his letter to *The Times*. Professor Dicey speaks of "this astounding Bill," and he says that in it "the policy of privilege is revealed to the public in its full enormity." He states the general effect of the measure as follows—

"By Clause 4 no trade union would be liable in damages for any tort or wrong done by the union, its agents or servants. As, however, altered at the last moment, the clause now also relieves unions against actions for injunctions and the payment of costs in such proceedings. A trade union, in carrying on a strike, may 'do wrong and fear not.'"

Professor Dicey goes on to state that three privileges are further secured to trade unionists—

"(1) The penalties on picketing are relaxed, but only in the case of a trade dispute. If X, Y, and Z were to beset the house of A with a view to persuade him to join the Primrose League they might get three months imprisonment with hard labour. (2) Trade unionists would not be liable to an action for persuading others to break contracts. (3) Any combination by trade unionists would not be actionable as a conspiracy, but if the same things were done with a view to inducing a person to join the Primrose League an action would lie."

I do not know what course your Lordships are going to take with regard to this Bill, and whether or not you will exercise a wise discretion in amending it. I hold in my hand a statement of the penalties that will await you if you do. Mr. William Crooks, M.P., has spoken as follows—

"In the House of Lords, of all places, labour has triumphed. One thing was manifest in the debate, the enormous power and influence of organised labour in this country."

And here comes the threat. Mr. William Steadman, M.P. says—

“If, by Amendments, the Lords upset the Bill, the second Chamber will get such a shaking as it has never had since 1832.”

Mr. Snowden, M.P., has declared that—

“The Peers have more discretion than to amend this measure.”

I do not know what action your Lordships will take, whether or not you will amend the Bill in the spirit of those splendid words of Lord Bramwell which the noble earl, Lord Halsbury, referred to the other night, but which I will now read to the House. Lord Bramwell, on the trial of the persons engaged in the Tailors' Strike of 1867 (*Regina v. Druitt*) said, in the charge to the Jury—

“The liberty of a man's mind and will to say how he should bestow himself and his means, his talents, and his industry, was as much a subject of the law's protection as was that of his body. If any set of men agreed among themselves to coerce that liberty of mind and thought by compulsion and restraint they would be guilty of a criminal offence—namely, that of conspiring against the liberty of mind and freedom of will of those towards whom they so conducted themselves.”

If I know anything of your Lordships' House I am certain you will give no heed whatever to those vapouring statements which I read to you a moment ago by Members of the other House. I hope and trust that you will stand by the principles laid down by Lord Bramwell and amend this Bill accordingly. I am no enemy of labour. God forbid that any man should be so foolish. Forty years ago I was on the Trade Union Commission which led to the legalising of trade unions. I desire to do everything possible in the interests of labour. I had the good fortune to move for a Committee in the other House of Parliament and to carry a Bill which put master and servant on an equal footing, and I am prouder of that than of anything I have done in my life. The result of that was that every trade union throughout the country joined in giving me a dinner and in presenting me with an address which I value among my most precious possessions. I therefore hope that your Lordships will recognise that any suggestions I make are in no way against labour but in the interests of the mass of the labouring classes of this country.

The Earl of Wemyss.

THE LORD CHANCELLOR (Lord LOREBURN): My Lords, it would not be respectful to the noble Earl if I were not to say one or two words in reply to him. I am afraid I cannot take the same view of this Bill as the noble Earl does. If I did I should think myself disgraced in having introduced it into your Lordships' House. When the debate took place the other day there was a good deal of declamation and attack upon the general injustice of the Bill. I am prepared to meet that in Committee point by point, and I say, with the greatest respect to the noble Earl, that I am prepared to vindicate the justice of this Bill. But I think the most convenient time will be when the Amendments are brought forward. I therefore do not propose to say anything further at this stage.

On question, Motion agreed to.

House in Committee (according to Order.)

[The Earl of ONSLOW in the Chair.]

Clause 1 :—

*LORD AVEBURY said he had put down an Amendment at the request of several legal friends in order to ascertain from the Government how far the rights of persons would be affected who were not engaged in trade disputes; but it had been pointed out to him that the question might be more conveniently raised at a later stage. He did not propose therefore to move the Amendment to Clause 1, but would postpone it until Clause 4 was reached.

Clause 1 agreed to.

Clause 2 :—

THE EARL OF WEMYSS moved an Amendment providing that it should be lawful for “not more than three persons” (instead of “one or more persons”), acting on behalf of a trade union, to attend at or near the house of a workman for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working.

Amendment moved—

"In page 1, line 13, to leave out the words 'one or more,' and to insert the words not more than three."—(*The Earl of Wemyss.*)

THE LORD CHANCELLOR: The effect of this Amendment is, in the case of picketing, to limit the number of persons to not more than three, and the noble Earl behind me (Earl Russell) proposes in a subsequent Amendment to limit the number of persons who can be engaged in picketing to twenty. The number of twenty may be far too large in a small strike, and *a fortiori* there might be cases—a dock strike, for instance—where three persons would not be considered enough in a great strike. I ought to remind your Lordships that the permission given in this Bill to picket is only where the picketing is for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or to abstain from working. If the practice is carried out so as to lead to intimidation or to any reasonable apprehension in the mind of innocent persons of violence or wrong, then the picketing would not be done merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading others. Not only so, but alongside this clause there still remain the stringent provisions of the Act of 1875, which are very likely familiar to your Lordships and which are completely unaffected by this clause. That Act makes penal the using of violence or intimidation, the injuring of property, the persistent following of people from place to place, the hiding of tools and so forth, or watching and besetting. Apart from that, moreover, there is the common law of the land, which of itself provides ample protection against those who seek to take advantage of this clause in order to commit an injustice.

EARL RUSSELL said he had an Amendment on the Paper similar to that which had been moved by Lord Wemyss, and he thought it might with advantage be discussed at the same time. It had reference to the number of persons allowed to picket. He had frequently been told privately that his objections to this clause as it stood were founded on his failing to understand it, and he would be glad if

the Lord Chancellor could succeed in persuading him that the clause as it stood was a reasonable one. It was difficult to understand how this could be a reasonable or even a possible clause to work. It in effect made it lawful for a gathering of a thousand persons to assemble outside a house in order, for example, to persuade a footman to leave his employment, and he was curious to know how the Lord Chancellor could justify it. A much smaller gathering of ladies assembled outside Mr. Asquith's house, and they were dealt with very severely. The opening words, "it shall be lawful," were a distinct authority by statute to do a particular act creating, perhaps, obstruction in the streets. It was said that twenty persons might not be enough in the case of a large dock strike. Surely a group of twenty persons at any one entrance would be sufficient to convey information or peacefully to persuade anyone. If the object was to meet workmen coming out and communicate facts to them he submitted that twenty persons were ample.

*LORD AVEBURY supported the Amendment, and said that three persons were quite sufficient to give information. Any greater number led up to intimidation. In his speech in moving the Second Reading of the Bill the Lord Chancellor had referred, with as near an approach to a sneer as his kindly nature allowed, to the opinions of jurists and professors. Surely, however, their views were entitled to great weight. It was said again that in the House of Commons the great manufacturers made no objection to the provisions of the Bill. The numerous representations sent in now, however, left no doubt as to their views. The Chambers of Commerce supported them. It might be said that employers were interested parties, and that it was natural that they denounced the Bill. Bankers were in a different position. Their interest was in the prosperity of British commerce, and as President of the English Bankers he believed he represented their general, if not almost unanimous, opinion that the Bill as it stood was unjust and unwise. It was an encouragement, it might almost be said an invitation, to strikes. Strikes on the

whole had diminished employment, and lowered wages. Manufacturers were often compelled to refuse orders, if the time allowed was somewhat short, from the fear of a strike. Moreover, many strikes were the result of contests, not between employers and employed, but between different trade unions each claiming their right to do the same work. Were they to be allowed to intimidate each other? He believed the workmen would be better than the law, but the law should protect the individual workman. The Amendment would not interfere with the ostensible object of the clause. Even one man could give the information. Moreover, while there might be some reason for picketing the works, why should the house be mentioned? The only reason for picketing a man's house was to put pressure on a man by frightening his wife and children. This was cruel and unmanly. He believed that on reflection the leaders of the working men would see that the clause as it stood was intolerable, and he hoped their Lordships would support the Amendment. Before sitting down he would like to express his regret that a Bill dealing with trade disputes should not contain some provision dealing with strikes in the case of companies providing important services to the public, such as railway, gas and electric companies. Of course the employees were entitled to fair remuneration for their services, and if they were dissatisfied, to go elsewhere; but due notice should be given, so that the public should not be put to unnecessary inconvenience.

LORD COLERIDGE pointed out that if workmen in large numbers watched and beset a man's house with a view to compelling him to do or to abstain from doing that which he had a lawful right to do and intimidated him or his wife or children, or injured his property, that was an offence dealt with by the Act of 1875, and, therefore, that point was already met by the law. Earl Russell's contention was that if workmen were in greater numbers than twenty they should be unable to do by law what they might do by law if they were less than twenty. That would make it imperative on each workman to count the number of the crowd he was in, and if in the course of

the strike some other persons joined the crowd so as to make the number twenty-one or twenty-two, everyone in that crowd would be liable to consequences which would not ensue if the crowd was less than twenty. As these Amendments now stood, they only permitted the limited number—in the one case of three, and in the other of twenty—as the number which could lawfully watch and beset at the place where the men worked. Did Lord Wemyss mean that at works which had twenty entrances three men should distribute themselves among those entrances; or were there to be three at each or twenty at each? He submitted that the Amendments would lead to great difficulties, and that they ought not to be considered.

LORD JAMES OF HEREFORD said he could not support either the Amendment of his noble friend near him or that of the noble Lord opposite. This question of numbers was considered as far back as the year 1875, and the conclusion was then come to that a limit of numbers in this connection was impracticable. If a limit of three were enacted, how were the three men to be selected? In the case of works being stopped and some hundreds of men being thrown out of work, they could not select a certain number and say, "You three, or you twenty, men shall be legal picketers and the rest illegal." He was satisfied that it was impracticable to fix a limit.

LORD NORTHBOURNE reminded their Lordships that when these disputes arose there was always more or less a state of war. Lord Lindley in a letter to *The Times* had said that to speak of "peaceful persuasion" was little less than cant and hypocrisy. He would not go quite so far as that, but in his view the expression "peaceful persuasion" was almost a contradiction in terms. Those who controlled trade unions had very large powers in their hands. These powers at times of great excitement might be unduly strained and there might be done injury not merely to the workmen themselves but which might possibly threaten the fabric of society. It was a curious fact in connection with these industrial disputes that it had never been his lot to speak to a single woman,

Lord Avebury.

the wife or sister or a relation in any degree of a workman on strike, who did not condemn these strikes as well as the combinations which promoted them. He trusted that their Lordships would safeguard the clause.

***THE MARQUESS OF LANSDOWNE:** My Lords, I venture to submit to your Lordships that we should do well not to insist upon these numerical restrictions upon the number of persons who may take part in picketing operations, whether it be the lower limit proposed by the noble Earl at the Table or the higher limit proposed by the noble Earl opposite. I think we have heard enough to make it clear that such an attempt would present almost insuperable difficulties. I fail to see how it would be possible to distinguish between the authorised picketers and the unauthorised allies who would certainly associate themselves with them. Surely, what matters is not so much the number of persons engaged in picketing as the thing which they do and the manner in which they do it; and I confess I am much more disposed to look for a safeguard in the terms of this Bill as it is drafted and in the terms of the Act of 1875 to which the noble and learned Lord opposite referred. I cannot help thinking that under the law as explained by the noble and learned Lord it should be possible to deal with such cases of domestic persecution and besetting as my noble friend Lord Avebury mentioned just now. That being so, I shall certainly vote against the Amendment, whether it be the Amendment of the noble Earl at the Table or the Amendment of the noble Earl opposite.

***THE EARL OF WEMYSS** maintained that if peaceful persuasion was intended three men were more than sufficient. The peaceful persuasion of picketing was the peaceful persuasion of the policeman. When a policeman said "Move on" people moved on. Why? Not on account of that one policeman, but the knowledge that behind him were sixteen thousands more here in London. He held, therefore, that peaceful persuasion could be carried out as effectively with three as with a larger number. But, in the circumstances, he would withdraw his Amendment.

Amendment, by leave, withdrawn.

EARL RUSSELL who had an Amendment on the Paper to leave out "one or more persons," and to insert "any number of persons not exceeding twenty," said it was not now his intention to move his Amendment.

***LORD BALFOUR OF BURLEIGH** moved an Amendment providing that it should be lawful for persons to attend at or near a house or place "peaceably and in a reasonable manner" for the purposes prescribed in the clause. He said the Amendment which the Committee had just been discussing dealt with the question of numbers. The Amendment which he had put upon the Paper dealt, not with the question of numbers but with that which he thought was very much more important in itself, the question of method. He was most anxious they should all be quite certain that they understood really and fully what it was exactly they were asked to do by this Bill, and that they should understand really and without doubt the practical effect of the change in the existing law which they were asked to make. The law as it stood was perfectly familiar by this time to the great majority of their Lordships. The Lord Chancellor had quoted parts of the Act of 1875 in arguing against the last Amendment, and he properly and fairly said that the law as it at present stood forbade certain things and allowed certain others, such as attending near the house or place where a person resided or the works where the business was going on. But the provision in the Act of 1875 differed from the proposal now before their Lordships in one very important respect. In that case the permission given was that certain things should not be deemed to be watching and besetting. The first point he (Lord Balfour) made—it was not a very important point—was that the enactment which was now proposed was not a mere permission, but a distinct enactment that certain things should be lawful. He urged their Lordships to consider very carefully that the fact that this was now to be the substantive enactment made it even more necessary than before to guard carefully the conditions and

restrictions under which that lawful act might be done. The clause as it now stood in the Bill ran as follows—

“It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.”

He pointed out that there had been a very material change in the Bill as compared with its appearance when it was introduced by His Majesty's Government in the other House. At that time it was distinctly laid down that the attendance of persons acting on their own behalf or otherwise was to be “peaceably and in a reasonable manner.” Those words had been cut out, and there were now substituted for them words to the effect that they were to attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working. There was a presumption that if their purpose was peaceful it was relatively unimportant what they did. The noble and learned Lord, the Lord Chancellor, shook his head, but if that was not really meant, why not say so? It seemed to him a most undoubted fact that as originally drafted the clause was distinctly intended to strike at intimidation, and that the clause as now framed was not nearly so strong in that direction. There was great danger if the Bill passed in its present form of its being construed to weaken the law. To describe the clause as one which legalised only peaceful picketing came in his mind very near to being a dishonest description. Admitting that there had been a mandate or demand for the alteration of the law, it could not be said that there was a mandate against the particular phrase he was asking their Lordships to insert. It was the proposal of the Government, and the word “peacefully” appeared in this connection in the Bill of the leaders of the Labour Party themselves. He appealed to their Lordships not to sacrifice the great principles of justice and liberty for any supposed mandate. If he received any support at all he intended to

take the opinion of their Lordships by a division.

Amendment moved—

“In page 1, line 16, after the word ‘attend,’ to insert the words ‘peaceably and in a reasonable manner.’”—(*Lord Balfour of Burleigh.*)

THE LORD CHANCELLOR: I am very well pleased to take the instance which the noble Lord has brought forward, and his plea on behalf of justice and liberty is a fair illustration of the accuracy of the charges which have been made against the Bill. The purpose of this clause is to place the law as it was intended or believed to be in the year 1875. Picketing may be the worst of all things, but it was legalised—I think most wisely—by a Conservative Government in 1875. The language of the statute faces you, and you can by no means escape from that conclusion. Picketing was legalised for the purpose of obtaining or communicating information; it was not legalised in the terms of the Bill for the purpose of “peacefully persuading.” As I stated the other night in the presence of Lord Cross, who was Home Secretary in 1875, Lord Cross, on being asked whether he would accept an Amendment to include such words, said that this was already implied in the Bill. It was afterwards discovered by a decision of the Courts of law that that was not the case, that picketing for the purpose of peaceful persuasion was unlawful. This clause is intended to restore the law to what it would have been had that been included in the Act of 1875. As regards the form of words, I protest against the assumption throughout the discussion that when picketing takes place, violent, riotous, and tumultuous picketing is authorised. That has been the substratum of the arguments; I wholly deny it. There are powers under the statute of 1875 and under the common law sufficient to prevent the degradation or misuse of this liberty. In speaking of picketing, therefore, we must accept the meaning attached to it by statute and common law. All I can say is that we are plagiarists. We have copied the Act of 1875. The language in the last unrepealed paragraph of Section 7 of that Act, which has had the effect of legalising picketing, contains not a word

Lord Balfour of Burleigh.

about peaceably or reasonably. There were great lawyers in this House in those days. Lord Cairns knew how utterly absurd it was to accumulate a number of statements merely warning against certain acts. In the present case you might just as well put into the measure "You must not commit murder." The words in the Amendment were omitted from the clause for the sake of putting in words corresponding to the Act of 1875. The word "peaceably" has been put in lower down as a concession to the apprehensions of those who are afraid some violence will be committed. That is my answer. To my mind these words "peaceably and in a reasonable manner" would not really add anything at all.

LORD JAMES OF HEREFORD: Does the noble and learned Lord wish the picketing to take place "peaceably and in a reasonable manner?"

THE LORD CHANCELLOR: Certainly.

LORD JAMES OF HEREFORD: Then why not say so? If they wanted picketing to be done "peaceably and in a reasonable manner" the Committee ought to say so as clearly as possible. At present the clause only said "going there for the purpose;" that was not enough. A man might go there for a peaceful purpose and remain there for a violent one.

THE EARL OF CAMPERDOWN pointed out that the explanation just given by the Lord Chancellor was not the view originally taken by the Government. When the Government Bill was brought in it contained these words "peaceably and in a reasonable manner." If the Government thought they were necessary in their own Bill, why did they not think them necessary now? This was not the Bill brought in by the Government originally, and these words were only struck out upon the Report stage.

THE LORD CHANCELLOR: I think the noble Earl, as an old Parliamentary hand, must have perceived that the Government introduced proposals originally in a form with which the House did not agree, and there were differences

of opinion in all sections of the House in regard to the form of the Bill. The question was, what would be the best thing in the end? It is true that the Government altered these words, but they put in others which they thought would be quite as effective and more conformable with precedent.

THE EARL OF CAMPERDOWN: Does the noble and learned Lord consider the word "peacefully" as strong where it is?

THE LORD CHANCELLOR: I think it will have exactly the same effect.

LORD COLERIDGE asked if Lord Balfour would accept the word "peaceably" and excise "in a reasonable manner." These words were struck out in the Commons because they would open the door for very wide construction by different tribunals as to what was a reasonable manner.

***LORD BALFOUR OF BURLEIGH:** Has the noble Lord got power from the Government to offer me "peaceably" if I strike out "and in a reasonable manner"?

***THE MARQUESS OF LANSDOWNE:** I think the noble and learned Lord produced a good *ad hominem* argument against us when he referred to the fact that the Act of 1875, for which a Conservative Government was responsible, contained no reference at all to the peaceful character of these operations, and I admit that the Bill to that extent is better than the Act of 1875, because the word "peacefully" finds a place in it. But the point of my noble friend behind me is that grammatically the word now comes in the wrong place. It seems to me, from that point of view, that the clause is open to exception on the ground that the adjective "peacefully" seems to apply to the intention of the persons picketing rather than to the acts in which those persons may take part. Would not the noble and learned Lord agree to transfer the word "peaceably" to the fourth line of the clause, so that it should govern everything that comes after? In that case perhaps my noble friend Lord Balfour might be content to dispense with the words "in a reasonable

manner." I think at any rate that Amendment would have the good effect of making the true sense of the clause plainly intelligible.

THE LORD CHANCELLOR: There is nothing I dislike more than saying "No" if I can possibly help it. This matter was fully considered by Ministers in the House of Commons and by the House, and I am afraid I cannot consent to the substitution. If your Lordships, however, think fit to effect the substitution I do not think it would make very much difference. But the matter was fully considered, and I do not like to set aside the deliberate consideration and choice of words which I know were taken with a view of carrying out what the noble Lord desires, namely, that the thing should be perfectly orderly.

*LORD BALFOUR OF BURLEIGH: If the Committee is agreeable I am quite willing to withdraw the words "in a reasonable manner;" and divide only in the first instance on "peacefully."

EARL RUSSELL objected to that course. There seemed to him very good reason for inserting the words "in a reasonable manner." It was possible to be quite peaceful and not to be at all reasonable. For instance, if a large crowd of people sat down in front of a man's house they might be quite peaceful, but he did not think anyone would argue that that would be at all reasonable. Unless these words were inserted in the clause he did not see what protection there would be. This clause went far beyond an Amendment of the Act of 1875. Did the words "it shall be lawful" mean no more than the words "it shall not be unlawful."

THE LORD CHANCELLOR: The words in the Act of 1875 which assume a negative form followed by an exception have always been held to have, and have undoubtedly, the effect of authorising picketing for the purpose of obtaining information. You cannot make it more so if you say "it shall be lawful." Those are mere questions of drafting. If the noble Earl will turn his attention to the section of the Act of 1875, he will find that it is by no means an easy matter to dovetail the words "peaceful persuasion" into the clause. I prefer to say in perfectly clear language what is meant, and if you do not mean it to be lawful do not hide your purpose by the use of circumlocution. I believe this clause has no further effect than to add to the provision of the Act of 1875 the power to picket for peaceful persuasion.

*THE MARQUESS OF LANSDOWNE: I should have been glad if the noble and learned Lord has seen his way to accept the suggestion which I made as a compromise. But I was struck by the reason which he gave for refusing it—that this point had been settled after careful consideration in another place, and that he was not at liberty to accept an Amendment of the kind which I proposed. I have felt throughout these discussions that this Bill ought to be allowed to pass; and, that being so, I do not feel disposed to join in imposing upon noble Lords opposite an Amendment which they apparently regard themselves as not able to accept, and which I presume would not be accepted if it went to another place.

On Question, "That the words 'peaceably and in a reasonable manner' be there inserted," their Lordships divided: Contents, 72; Not-Contents, 49.

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*THE EARL OF WEMYSS moved to amend Clause 2 by making it read that it should be lawful to attend only "at or near each entrance of a place where a person works or carries on business." He felt very strongly that picketing should be confined to the works. To picket a man's house would make life unbearable for himself and his wife and family, and it would be an intolerable thing in a free country.

Amendment moved—

"In page 1, line 16, after the word 'near,' to insert the words 'each entrance of,' and to leave out the words 'house or.'"—(*The Earl of Wemyss.*)

THE LORD CHANCELLOR: I think your Lordships will have to consider whether you are going back upon the legislation of 1875. In the Act of 1875 this was the language that was used—

"Attending at or near the house or place where a person resides or works or carries on business or happens to be, or the approach to such house or place."

We have followed those words literally with this exception, that we have not put in the words, "the approach to such house or place," thereby limiting the clause. I do not say that what has been decided in the past ought still always to govern us, but I submit that to go back on the legislation of thirty-one years ago in this case would be a mistake.

LORD AVEBURY said he was surprised that the noble and learned Lord who was advocating such extraordinary changes in the law as it stood as present should object to such a small change in the Act of 1875 as that proposed by Lord Wemyss. They had received representations from manufacturers all over the country to the effect that it was most unjust that a man should be beset at his own house. It was quite sufficient that power should be given to attend at the place where a person worked or carried on business. It was most unfair that a man should be

followed home to his house and his wife and children frightened in order that he should be intimidated.

EARL RUSSELL said that although he had put down an Amendment to the same effect, he thought the addition of the words "in a reasonable manner" covered the objections to picketing a man at his private house, and he did not therefore propose to support Lord Wemyss's Amendment.

On Question, Amendment negatived.

*THE EARL OF WEMYSS moved to add, at the end of sub-section (1) of Clause 2, a proviso to the effect that no person should, after being requested by any person annoyed by his conduct, or by any constable instructed by such person, to move away, so act as wilfully to obstruct, insult, or annoy such person; and that no person should act in such a manner as to cause a reasonable apprehension in the mind of any other person that violence would be used to him or his wife or family or damage done to his property. If their Lordships had carried the former Amendment confining picketing to the works this proviso would not have been necessary, but as they had not done so he begged to submit it.

Amendment moved—

"In page 1, line 20, after the word 'working,' to insert the words 'Provided that no person shall, after being requested by any person annoyed by his conduct, or by any constable instructed by such person to move away, so act as wilfully to obstruct, insult, or annoy such person. Provided that no person shall act in such a manner as to cause a reasonable apprehension in the mind of any other person that violence will be used to him or his wife or family, or damage be done to his property.'"—(*The Earl of Wemyss.*)

THE LORD CHANCELLOR: The first part of this proviso is very curious. It provides that no person shall, after being requested by any person annoyed by his conduct, or by any constable instructed by such person, to move away, so act as wilfully to obstruct, insult, or annoy such person. The law prohibits that already, and prohibits it without a constable being invoked. The second part of the Amendment is that no person shall act in such a manner as to

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cause a reasonable apprehension in the mind of any other person that violence will be used to him or his wife or family, or damage done to his property. That, of course, is against the common law, too; but it is also against the Statute of 1875, which provides that any person may be convicted who does these things—

"Uses violence to or intimidates such other person or his wife or children, or injures his property."

I venture to think, therefore, that the proviso is superfluous.

On Question, Amendment negatived.

LORD LEITH OF FYVIE moved the insertion of a new provision stating that the persons attending at a house for picketing purposes should only be allowed to do so after "due notice shall have been given to the police authorities in the district affected of the contemplation or furtherance of a trade dispute." This precaution was not so much in the interest of those engaged in the trade dispute as for the benefit of the persons outside who might gather in the streets and the suffering women and children of the workmen. It was difficult for human nature to be reasonable on such occasions, and he certainly claimed that the women and children should be saved from the possible effects of an industrial disaster. He had experience of these trade disputes in this and other countries, and he could hardly say that he had ever found the methods of men on strike to be peaceful. In the United States these disputes eventually led sometimes to a state akin to civil war, and he feared that in the case of a large railway or dock strike here somewhat similar features might be reproduced. It became imperative, therefore, to protect from suffering those who were not connected with the trade dispute.

Amendment moved—

"In page 1, line 20, after the word 'working,' to insert the words 'provided that due notice shall have been given to the police authorities in the district affected of the contemplation or furtherance of a trade dispute.'"
—(*Lord Leith of Fyvie.*)

THE LORD CHANCELLOR: There is no doubt that in some parts of the United States strikes have led to the

most violent and terrible collisions. I am happy to think that in this country there has never been anything of this serious character, although there have been at times acts of violence and intimidation which have to be, and I hope always will be, properly punished by the law. The noble Lord proposes that notice of the contemplation or furtherance of a trade dispute should be given to the police. How can you give notice of the contemplation of a dispute?

LORD LEITH OF FYVIE: Either by telephone or written message.

THE LORD CHANCELLOR: I was not speaking of the mechanical methods by which the information could be imparted, but how such a fact as the contemplation of a trade dispute could be imparted. It is not a specific fact; it is an attitude of mind. The police are almost certain to know in advance all about the likelihood of a trade dispute occurring, for if any danger is likely to arise the employer is sure to give notice to the police.

Amendment, by leave, withdrawn.

Clause 2, as amended, agreed to.

Clause 3:—

***LORD BALFOUR OF BURLEIGH** moved to omit the words “induces some other person to break a contract of employment, or that it,” so as to make the clause read—

“An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it is an interference with the trade, business, or employment of some other person, or with the right of some other person, to dispose of his capital or his labour as he will.”

As it stood, he said, the Bill contained, in his judgment, one of the most astounding provisions ever suggested to Parliament. The definition clause made a very serious alteration in the law. It defined a trade dispute as—

“any dispute which is connected with the employment or non-employment, or the terms of employment, or with the conditions of labour of any person.”

Therefore, if this clause passed as it stood, it would be applicable to anyone

who interfered with any man's service. It would apply to a farm servant, a domestic servant, the police, civil servants, the post-office servants, or railway servants. The effect would be that any one who endeavoured to induce any one of such persons to break his contract would not have to pay the penalty. He thought this was neither a just nor a wise provision, and he could not see that it was necessary for the purposes of the Bill. On the Second Reading of the Bill the Lord Chancellor gave two instances of contracts which he thought it was reasonable should be broken without a penalty to those who induced others to break them. One was a case in which a firm of employers had been guilty of what was practically a fraud. The other was the case of some Irish labourers being brought to this country without having been told that there was a strike in progress in the place where they were to work. But such a contract as that must have been made, if not by fraud, at any rate by concealment of a material fact. If the clause were limited to permission to people to break contracts of that kind he should have nothing to say; but a contract made in full knowledge between two adult men, not contrary to public policy nor obtained by fraud, was and ought to be regarded as sacred and absolutely binding, and there could be no excuse for allowing people engaged in a trade dispute to persuade others to break their contracts without a penalty. He admitted that he did not believe this would often be done for he believed the managers of trade unions were honourable men; but such things might be done in the heat engendered by a strike. He could not see the slightest justification for the proposal. In a conversation he had with the Lord Chancellor after the Second Reading of the Bill, he understood the noble and learned Lord to say that there was, at any rate, colourable authority for this proposal in the Report of the Royal Commission on Trade Disputes; but as he read that Report it told exactly the opposite way. In paragraph 64 of the Report he found these words—

“We think that *Allen v. Flood*, 1898, A.C.1, authoritatively showed that a strike was not illegal, and that it follows as a corollary that

to persuade to strike, *i.e.*, to desist from working, *apart from breach of contract*, is not illegal."

Both in that paragraph and in the summary of the Recommendations the words "*apart from breach of contract*" were in italics so that they might be specially emphasised. The inference from that was quite distinct that contracts should be regarded as sacred; and he suggested that unless something more definite and more powerful than the two instances given by the Lord Chancellor were adduced, they should not pass what seemed to him—he could use no milder term—words which would be an absolute disgrace to the Statute-book of any civilised country.

Amendment moved—

"In Clause 3, page 1, lines 26 and 27, to leave out the words 'induces some other person to break a contract of employment, or that it.'"
—(*Lord Balfour of Burleigh*.)

THE LORD CHANCELLOR: I am sorry the noble Lord takes such a severe view of our proposal. Let me just point out what the clause actually proposes. What it says is this, that an act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment. That is the effect. All the time I was at the Bar I lived in company with the case of "*Lumley v. Gye*." It was my companion throughout my professional life. I always thought it was bad law, and so did a great number of my confrères and many occupants of the Bench; but I believe it has received partial confirmation in a recent case in your Lordships' House. In the case of "*Lumley v. Gye*" it was laid down for the first time that a man was liable in an action if he induced some other person to break his contract, not if he broke his contract himself. I will give an illustration. There was a strike going on. It was certain that other employers would stand by the employer affected and refuse to employ the men on strike; so the workmen would, I will not say in retaliation, but in order to carry on warfare of a certain kind, do their best to prevent other persons from taking their place. Without knowing anything about the strike—I refer to the strike in Whitehaven—a number of Irish workmen were

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brought over by the employer to work in the place where the strike was going on—

*THE EARL OF LONSDALE said that that was not so. The noble and learned Lord was wrong. There had not been any introduction of Irish workmen, brought over by the employers, at Whitehaven.

THE LORD CHANCELLOR: My information is that they came over without knowing it. I am not, however, concerned with the merits of the Whitehaven case. I am discussing the effect on the clause of a particular state of facts that might perfectly well happen, for the purpose of illustrating a principle. May I be allowed to assume that the men did not know that this strike was going on? One person went to meet them, told them there was a strike, stated his views of it, no doubt favourable to the workmen, and appealed to them not to interfere with their brother workmen in this country. That was held unlawful. Why should it be unlawful? The noble Earl's sense of equity and justice will not let him get up and say that was wrong. It was right; but it was wrong according to the case of "*Lumley v. Gye*." The proposal now, therefore, is to alter the law.

*LORD BALFOUR OF BURLEIGH said it did much more. Supposing anyone for his own purposes induced the Post Office servants in some town to go away from their employment at twenty-four hours notice, would the noble Lord say that this clause did not prevent that man from being sued and made responsible for his action as regarded those servants?

THE LORD CHANCELLOR: The point I want to put to the Committee is that to induce a man to break a contract ought not in itself to be an actionable wrong. People make a contract: let them keep their contract. Other persons may induce them to break the contract, but why they should be liable to an action on that account I cannot see.

LORD AVEBURY admitted that there might be cases in which hardship would

arise, but reminded the Committee that hard cases made bad law. A contract was a sacred thing governing nearly all their relations in life, and they ought to be very careful before doing anything to facilitate the breaking of contracts. He regretted, therefore, that the Government could not accept the Amendment.

On Question, Amendment negatived.

Clause 3 agreed to.

Clause 4:—

LORD KELVIN moved an Amendment to make the clause provide, not that actions against a trade union should be prohibited, but that if entertained by any Court they should not permit or entail any expenditure out of the funds of the trade union specially allotted to life insurance or charitable purposes. The primary object to be attained by Clause 4, the object contemplated originally by the trade unions and their friends in bringing in this legislation, was, he believed, to protect the insurance and charitable funds of the trade unions from destructive damages liable to be given against them in Courts of law. He did not believe the friends of the trade unions, or even the trade union committees themselves, wished for such legislation as Clause 4 provided. The trade unions did not want to act in a tortious manner. He believed they did not want to be protected against tortious acts. The clause as it stood seemed to him—he might be wrong—unprecedented in the history of law in civilised nations. It named a wrong and declared that there should be no remedy for that wrong. It seemed to him that the whole Bill would be destroyed if this clause remained in it unchanged, and that the Bill would not be acceptable to the great mass of working men. He believed it would not be acceptable to the great mass of the people as a whole, but, on the contrary, would be strongly condemned because of Clause 4. He desired to see the Bill pass. It was in that wish that he submitted his Amendment. He could not conceive of the clause in the shape in which it now stood becoming law. He had heard many strong expressions about it. He

believed that if the clause passed in its present form, those who passed it would be regarded as having made a great mistake. His Amendment was simply to allow an allegation to be considered by the Court, but, whatever the result of the examination by the Court might be, the charitable and insurance funds of trade unions should not suffer. The question might be asked, How were the perpetrators of the wrong to be punished or fined if they had no funds? It was not necessary for him to define methods by which that would be carried out. That was a matter for noble and learned Lords. The Bill as it stood would not allow a trade union to clear its character if an accusation were made. He believed that the clause as he proposed to amend it would be more acceptable to the trade unions, and it would prevent its being said that trade unionists had been made into a privileged class outside the law of the land. With his Amendment inserted he believed the measure would be accepted as a valuable piece of legislation, hurting nobody and beneficent to all.

Amendment moved—

“In page 2, line 8, to leave out the words ‘shall not be,’ and to insert the word ‘if’; and in line 9, after the word ‘court,’ to insert the words ‘shall not permit or entail any expenditure out of the funds of the trade union specially allotted to life insurance or charitable purposes.’”—(*Lord Kelvin.*)

THE LORD CHANCELLOR: The Amendment is in itself a limited Amendment, because it proposes that although a trade union may still remain liable to an action and its funds may be taken, yet that the funds should not be taken if they are specially allotted to life insurance or charitable purposes. As a matter of fact, there are no such funds as funds specially allotted for life insurance or charitable purposes. Clause 4 does not propose to exempt any person from criminal or civil responsibility. What it does is to prevent the trade union itself from being sued. Let me pass from trade unions, and give a familiar illustration. Companies, as we all know, are liable to action; unincorporated associations can neither sue nor be sued. Take, for example—I desire to show impartiality—either the National Liberal Federation or the Primrose League. The Primrose

League is reputed to have some money. Its council may do wrong, but they could not be sued, because they are not incorporated in the eye of the law. The whole question now is whether a trade union is to be placed in the position of the Primrose League or of the Gas Light and Coke Company. If it is to be placed in the former position, then all who commit wrong are individually responsible, civilly and criminally, but the trade union itself would not be. If, on the other hand, the trade union is to be placed in the position of the Gas Light and Coke Company then it could be sued. Before 1871 there was no doubt a trade union was in the position of the Primrose League—it could not sue or be sued. Then in 1871 an Act was passed relating to trade unions, but until the judgment of 1901 nobody supposed it altered the *status* of the unions. This Bill now proposes to restore trade unions to the position they occupied before 1871.

LORD JAMES OF HEREFORD was exceedingly sorry to differ so much from his noble and learned friend. There was a great misunderstanding about this clause. Although the Bill was entitled “A Bill to Provide for the Regulation of Trade Unions and Trade Disputes” this Clause 4 had nothing whatever to do with trade disputes. Trade disputes were not mentioned in it. The clause simply said—

“No action shall be brought in respect of any tortious act against any trade union.”

A trade union, therefore, might in future build offices in any locality, and by a mistake of the architect shut out the light from adjoining property, rendering all the adjoining houses dark and uninhabitable.

THE LORD CHANCELLOR: Under the Act of 1871 the trustees are liable in respect of their property.

LORD JAMES OF HEREFORD: But I am speaking of a tortious act that has nothing whatever to do with their property.

THE LORD CHANCELLOR: It has been held the trustees were liable in an action for libel in a newspaper because it related to their property named in the

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newspaper. Therefore they would be liable in an action for infringing the rights of ancient lights.

LORD JAMES OF HEREFORD entirely disagreed. A trade union had branches, and in order to communicate with its branches it might have a motor-car. If the driver of a motor-car belonging to any noble Lord injured a fellow-creature he would have to pay, but they could not make a trade union motor-car responsible. The trade union would say, “We have a licence to commit any wrong we like.” A libel might be written in a letter to newspapers and need not be a question of property at all. Parliament was giving trade unions the right to say, “We can take away a man’s character, destroy his reputation and living; we have the right to do these things because we are a trade union.” The members of the Primrose League, on the other hand, would be liable. If this licence were given to trade unions, why not to other bodies of men? Why should not deans and chapters be protected? Why should not the Trinity Brethren be protected? The trade unions themselves did not want this protection. In a discussion between Professor Dicey and Mr. Richard Bell, one of the most able, as he had reason to know, of trade unionists, as to the effect of this clause, Mr. Bell repudiated the idea that they wanted any protection whatever except for their trade disputes. Mr. Bell said—

“First of all I want to point out that this Bill simply applies to trade unions in the contemplation or the furtherance of a trade dispute. I still adhere to what I have said, that it does not and will not affect actions of trade unions except in contemplation or in furtherance of a trade dispute.”

The Lord Chancellor would, he was sure, admit that this clause went beyond acts done in contemplation or furtherance of a trade dispute. Mr. Bell had repudiated in the strongest way the idea that they wanted any protection whatever except for their trade disputes. He said—

“I, as a leading trade unionist, do not desire that it should cover such actions (libel actions), and I do not believe it does, because I and my colleagues endeavoured to be sure that it did not cover such actions.”

If it was the fact that the clause did not go beyond trade disputes, would the

noble and learned Lord agree to the insertion of the words "when engaged in trade disputes"? The Bill was defended on the ground that equal powers were given to employers of labour. What had members of the public to do with this equivalent given to employers of labour? To a man whose character was destroyed or whose property was injured, what benefit was it to be told that the employers of labour had equal immunity with the trade unions? The general result of this equivalent to the public was that there were two sets of trade unions able to injure a man's property or destroy his character. What nonsense this equivalent was. It was an equivalent *pour rien*. Where were the employers who would be able to boycott? They could not do it. The employers had never asked for this equivalent, which was given to satisfy the consciences of Mr. Asquith and others. The public got no benefit by this equivalent, which was a licence for wrong to be done and a refusal to allow the injured party either to obtain money compensation or invoke the law. Whatever the injury to a person's property he had to stand by and be silent. It was to be regretted that in this Chamber in which the law and final judgment were administered, this proposition was made to set that law at defiance.

THE CHAIRMAN OF COMMITTEES pointed out that they had been discussing the question of Clause 4 as a whole, and not the Amendment of the noble Lord. He thought it might be more convenient for the Committee to dispose of the Amendment of the noble Lord first, and then proceed with the discussion of the clause.

LORD AVEBURY said he had an Amendment which raised the whole question, and he thought it was much better that they should first get rid of Lord Kelvin's Amendment.

*LORD ZOUCHE OF HARYNGWORTH said before the noble Lord replied he would like to say a word. It was impossible not to feel sympathy with the Amendment, and impossible also not to see that it went to the root of the Bill, and would take away from the power of the trade unions

to commit with impunity a tortious act to injure or ruin anyone who had no cause of quarrel or dispute. The noble Lord had also said that it went beyond what the trade unions demanded. If that were so, he would venture to suggest that they should let the public judge of it.

*VISCOUNT ST. ALDWYN said he had no intention of following the noble Lord into the main subject of the clause, nor was he qualified to do so; but it seemed to him that the Amendment which the noble Lord had moved was really an indirect rejection of the clause. When he was Chancellor of the Exchequer he received a deputation from trade unions asking him to afford to their funds a power of investment in savings banks to an extent beyond that which was given to ordinary persons, and was given to friendly societies. He at once asked them whether they were prepared to divide their funds so as to allocate part to benefits and part to trade union purposes. They absolutely declined to do anything of the sort, and said that their funds were never so divided. Now the noble Lords proposed that a Court should decide how those funds should be divided. It seemed to him to be an impracticable proposal. He hoped their Lordships would adhere to the clause, because otherwise they would practically stultify the Vote of the House on the Second Reading.

LORD KELVIN protested against the assertion that the Amendment was destructive of the clause. He hoped to see Clause 4 stand part of the Bill, and the Bill carried. He had demonstrated the practicability of his Amendment. He did not know whether even learned Lords perfectly appreciated how thoroughly the law was respected and trusted by people who were not lawyers. The whole public looked to the law for defence. If there were an action against a trade union or against an official of a trade union, even if the giving of damages were impracticable, the Court of law could grant an injunction, which was a most important thing, and stop the mischief if there were a tortious act done or in contemplation. In any case in which it was alleged that a tortious

act had been performed, examination of the question by a Court of law would be for the public benefit. It would decide whether it was or was not a tortious act. That would be an important thing for the good of the public. If it were wrong and illegal the Court would grant an injunction preventing it from being carried on in future. Then the individual carrying it on would be personally liable to fine or imprisonment, whatever it might be. For instance, if a workman were waylaid, beaten and disabled, and he was out of work for six weeks in consequence, would it not be right that he should get damages, not only for personal injuries but also for loss of wages for six weeks? As the clause now stood, there would be no way of even asking for relief in such a case. If the allegation that a tortious act had been committed were entertained by a Court of law it would be to the public advantage; Yet this clause prohibited that. He felt it difficult to restrain his language within bounds when he thought of this. He hoped and trusted the Government would consent to modify the clause, so that it should not prevent an action being raised when a wrong was alleged. An action or inquiry might be necessary to clear the character of the trade union or some of the officials. How was the character of a man falsely accused to be cleared except by a Court of law? Nothing was so good for this as a Court of law. If their Lordships would consent to accept this Amendment he believed it would be found that the difficulties in working it out were altogether imaginary. As to the funds, it was desirable and right that any person or body of men who could go about and do good, or make a mistake and do evil, should be liable to be called to account, and if they had money to pay they should pay reasonable damages for the wrong done. If there was no damage to pay in the case of an accident the poor man went to prison, but the rich man paid his fine and perhaps thought no more about it. He did not think the trade unions would feel at all uncomfortable if they had to stand actions for tortious acts alleged to have been committed by their acting officials. He believed the clause as it stood would encourage the committal of tortious acts which otherwise would not be committed.

Lord Kelvin.

If an allegation were false the Law Courts would find it out. It was a safe guarantee. The ordinary working funds of a trade union might be come upon for damages in case of an action going against them. They would immediately arrange their funds. It was perfectly idle to say it could not be done. Any trade union could consult a solicitor who would find some way of putting all the funds required for charitable purposes on a safe footing. He held there would be very few cases of damages if this Bill became law and Clause 4 was amended as he suggested.

On Question, Amendment negatived.

*LORD AVEBURY moved an Amendment to insert, after the word "union" the words "in contemplation or furtherance of a trade dispute." They had heard a great deal about the mandate for this Bill. They had also heard that there was a mandate for the Education Bill, the Land Tenure Bill, and several other Bills. He did not think, however, anyone would allege there had been a mandate for every word in this Bill, and he believed his Amendment would carry out what was the wish, at any rate, of Mr. Bell, who spoke as a leading trade unionist. The Lord Chancellor had spoken somewhat severely of jurists and economists. Mr. Bell, in a speech which had been already quoted by Lord James of Hereford, had stated that those for whom he was acting were quite willing that this clause should be confined to cases which were in furtherance of a trade dispute, and it was really in order to carry out that suggestion that he ventured to suggest to their Lordships this Amendment.

Amendment proposed—

"In page 2, line 8, after the word 'union,' to insert the words 'in contemplation or furtherance of a trade dispute.'—(*Lord Avebury*.)

THE LORD CHANCELLOR: I do not propose to trouble your Lordships with a repetition of what I have said. My contention is that the trade unionists ought to be placed in the position in which they indisputably occupied before, viz., that they stand in the same

place as every other incorporated body, in which case they would not be liable to any action at tort. It is not in compliance with that view if they are only to be exempted from the law in cases of contemplation or furtherance of a trade dispute. It would be wrong for me to repeat myself, so I cannot say more, except that for the reason I have stated I cannot accept the proposal.

On Question, Amendment negatived.

Question proposed, "That Clause 4 stand part of the Bill."

LORD JAMES OF HEREFORD said that as he had said all he had to say against this clause he did not propose to offer any more remarks. He had, however, pledged himself very strongly that this clause was something in the nature of an attack upon the constitutional law, and therefore he proposed to divide upon it.

*THE MARQUESS OF LANSDOWNE: I regard this clause as being the kernel of the Bill, and I have already ventured to say that this Bill is one which your Lordships would do well not to reject. I feel that if I were to vote for the rejection of this clause I should be giving a vote against the Bill itself, which I have already declined to give. I shall, therefore, vote with noble Lords opposite.

On Question, Clause 4 agreed to.

Clause 5:—

EARL RUSSELL moved an Amendment to provide, in sub-section (3) that the expression "trade dispute" should mean any dispute connected with the employment or non-employment, or the conditions of labour of any "workman or body of workmen," instead of any "person." He desired to ask the noble Lord in charge of the Bill whether it was intended that the definition should be construed so as to mean any person. He was not in the least wedded to the words he had used, but he certainly understood that this Bill was intended to refer to what they ordinarily understood by trade disputes; that was to say, a dispute between an employer and

ordinary workmen. As the clause stood, however, he ventured to suggest that it would include domestic servants or any other kind of employee. If it were so intended, well and good, but, if not, he would be glad if the words he proposed were adopted or some other words introduced by the noble Lord in charge of the Bill.

THE LORD CHANCELLOR: The difficulty is, that if you do not use the word "person," where can you draw the line? I do not see why domestic servants should not be allowed to strike under the law as anyone else. I do not think they are likely to do it or that we need stand in any apprehension of it. I cannot suggest any better words than those of the noble Earl, though I am afraid his words are bad, because they would not include clerks, for example, and I doubt if they would include railway guards, and I do not think they would include shop assistants. Our view is not that this Bill should be restricted to workmen in cotton mills, for example, or in collieries. We think that if a strike is legitimate with one set of people a strike is equally legitimate with others, provided it complies with the law. Therefore, I am sorry I cannot accept the noble Lord's proposal.

Amendment, by leave, withdrawn.

On Question, Clause 5 agreed to.

*THE EARL OF DONOUGHMORE moved to insert, as a new clause—"Nothing in this Act shall apply to anything done in contemplation of or furtherance of a dispute arising from or out of or directly or indirectly connected with the use, occupation, or enjoyment by any person or persons of any land or any building or buildings thereon." He said the Amendment differed entirely from other Amendments which had been considered by their Lordships' House this afternoon, but it was one, nevertheless, that they in Ireland considered of cardinal importance. They wished to make it perfectly clear that, under no circumstances whatever, could the privileges given in this Bill be applied to agrarian disputes in Ireland.

It would be quite evident to their Lordships that the real originators of this Bill, the trade unions, had never desired that these privileges should be so extended. There had never been anything in previous Trade Disputes Bills which would make such extension possible, and he believed that it was not the desire of the Government that this extension should be made. Certainly in the eloquent speech delivered by the Lord Chancellor on the Second Reading, he made no reference to his desire for any such extension, and he could not but believe that if it had been the intention of the Government to make such extension he would have been, in duty bound, to refer to it. He thought he would not be mis-representing the speech of the Lord Chancellor when he said that was practically an appeal to their Lordships to restore the *status quo ante* 1897. Of course there were other points, but that was the main characteristic of the speech. It would not, he thought, be contended that in order to restore the *status quo ante* 1897, it was necessary that agrarian disputes in Ireland should be given the privileges of this Bill, and he was supported in that presumption by the words used on the 1st November in the House of Commons by the learned Attorney-General, who said that it had never been suggested that agrarian combinations should be entitled to the privileges which this legislation conferred. Therefore, the Government intentions were, from the Opposition point of view, good. Let them examine how far this contention that the Bill did not apply to agrarian disputes in Ireland was supported by the arguments put forward by the Government. The first argument that had been put forward lay in the quotation that he had made from the speech of the Attorney-General in the House of Commons on the Report Stage. The hon. and learned Gentleman stated that it was never intended that the Bill should apply to agrarian troubles in Ireland. That was doubtless very interesting, but it was merely a matter of opinion and the opinion of a distinguished lawyer who had not always had the same view about this Bill. Although the Lord Chancellor stated quite accurately on the Second Reading that the Attorney-

General's opinion changed in response to severe pressure in the House of Commons he did not remind their Lordships that that pressure received considerable stimulus from the fact that it was led by the Prime Minister, thus creating an extraordinary situation in the annals of Parliamentary warfare. He was sure he would be forgiven if he said that the Attorney-General would not be the first person he would go to if he wanted legal opinion on this Bill. But, after all, that was a very small point; the essence of the matter lay in the fact that, as it was perfectly well known, and it was admitted by all lawyers, the opinion of the framers of a Bill were not to be quoted when the law came to be construed in the Courts. As a layman he had always considered that to be a monstrous thing. The Lord Chancellor, in construing the Bill at some future date, as he was sure the noble Lord would have to construe it, would need to put out of his mind any knowledge he now had as to the intentions of the framers of the Bill. Therefore, the intention of the framers of the Bill was of no assistance to their Lordships in ascertaining the real intention of the Bill on this particular point. The second argument that had been advanced by His Majesty's Government was also brought forward by the Attorney-General in the House of Commons when he pointed out that a safeguard was provided by the definition words of "trade union." The Attorney-General declared that the United Irish League could not possibly be characterised as a trade union under this Bill. That safeguard was not a very powerful one, because, after all, Clauses 1, 2, and 3 did not apply to trade unions at all, but to individuals acting in the course of a trade dispute. And, therefore, the safeguard, in the definition of the words "trade union" could not be very powerful if it really existed at all. But this protection, even if valid, could be flouted, because those of their Lordships who came from Ireland would support him when he said the United Irish League and its predecessors had always posed as a sort of trade union. They had never admitted that they were, as he held they were, primarily a political organisation, and, therefore, all that they had to do under the Bill as it now stood was to

register either their central or local branch as a trade union and the protection supposed to be given by the definition words would absolutely vanish. He made no excuse for quoting a very great authority on this point, Professor Dicey, an Oxford man for whom he felt a great deal of respect, and who it was well-known had given very great study to particular circumstances of the Irish question, and his phrase was, "the trick can be performed with ease." Therefore, they were justified, he thought, in taking their stand on the opinion of Professor Dicey that this protection, which the Attorney-General stated was given, was of very little value. On the other hand, what was the condition of affairs on the face of the Bill? In Clause 5, sub-section (3), the following words occurred—

"In this Act and in the Conspiracy and Protection of Property Act, 1875, the expression 'trade dispute' means any dispute which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of any person."

The result of this was that practically any dispute over a question of employment became a trade dispute. What was the *modus operandi* of boycotting? It took place in two, or perhaps he should say three, ways. It took place primarily by bringing pressure upon people not to buy goods from or sell goods to a man whom it was desired to boycott. That particular case did not affect his argument at the present time. But the second and most frequent method of boycotting was to bring pressure on a man's servant to leave him or to bring pressure on a man not to employ a particular servant. That in his humble judgment was a trade dispute as defined by the clause he had just read to their Lordships, and there was no division of opinion upon the matter on either side in Ireland. At this very moment—and he had quotations to read to their Lordships if he were challenged—officials of the United Irish League were going about Ireland stating at meetings that a good time was coming because the Trade Disputes Bill would legalise boycotting, and the Nationalist Press—and again he had cuttings which he was prepared to read if challenged—was openly publishing the fact that boycotting was in future to be legalised. He did not wish to overrate

the value of the Nationalist Press—that collection of scurrilous rags which was an insult to the honourable name of journalism,—but nevertheless they had a very considerable influence in the south and west of Ireland, and they were recognised organs of the United Irish League. He had consulted some of the leading lawyers of the land, and there was no doubt in their mind that the Bill as it now stood was applicable to agrarian disputes in Ireland. On all sides it was believed that the power was given of boycotting and intimidation in every form. It was perhaps not heard of so much to-day as it was twenty years ago in the Land League times, but it was still in existence in parts of Ireland in connection with the grass lands agitation. Though protests had been made in the House of Commons that pain had been caused by the fact that English people had been reminded of its existence, there was no doubt whatever that it did still exist and was still a weapon of political and social warfare. He could quite understand that people who invented the system were anxious to have it forgotten, at any rate on this side of the Channel. They naturally would not desire to be reminded that they were connected with those people, who, in the language of three English judges, did enter into a conspiracy by a system of coercion and intimidation to promote an agrarian agitation against the payment of legal rents for the purpose of impoverishing and expelling from the country the Irish landlords, who were styled the English Garrison, and to incite to intimidation, the consequences of which were that crime and outrage were committed by the people incited. Some of the people referred to were still in active leadership with their opponents in Ireland, and whilst he could quite understand their desire not to be reminded of their action of twenty years ago in Ireland, they were still fully able to repeat that action in the cause of political or social strife whenever they desired to do so. He trusted he had said enough to show that it was certain that the Bill would create an absolutely new state of affairs in connection with agrarian disputes in Ireland. But even if there were

not certainty, there was certainly uncertainty. It was possible that in the construing of this Act this change which he, and he knew his friends in Ireland, wished to avoid might come about in their political and social relations, and there must be no uncertainty on this point. If there were, the consequences in Ireland would be very grave indeed. Now was the time to see that no uncertainty should exist. Declarations from the Government were of no use to them. They must have it in the Bill. Unquestionably this matter would come before the Courts. It might be decided against them that in future the United Irish League was to be treated to all the privileges of a trade union. They had of course the solemn and sincere assurance from the Government that it was not their desire that this should happen, but if it did happen could they believe the Government would bring in a Bill to set the matter right if the Nationalists desired they should not do so? The Government had shown complete obedience to Mr. Keir Hardie and his thirty odd supporters in regard to this Bill in its initial stages. Could they believe that the Government would be any stronger in dealing with Mr. Redmond and his seventy supporters, if it were necessary to reverse a judicial decision which in its turn reversed the intentions they believed the Government had? He therefore most sincerely asked their Lordships to make the professions of the Government in another place a reality, and to confine the Bill to its intended purpose, the restoration of the *status quo ante* 1897. Whilst no one maintained that the Act of 1875 legalised boycotting, he asked their Lordships to insure that the same might be said of this Bill when it became an Act.

Amendment moved—

“To insert as a new Clause:—‘Nothing in this Act shall apply to anything done in contemplation of or furtherance of a dispute arising from or out of or directly or indirectly connected with the use, occupation, or enjoyment by any person or persons of any land or any building or buildings thereon.’—(*The Earl of Donoughmore.*)

THE LORD CHANCELLOR: I will not occupy more time than is necessary to meet the point the noble Lord has

The Earl of Donoughmore.

made. I will not enter upon the question of the old special Commission Report from which I think his extract was quoted. I do not want to enter upon the subject or to revive all the controversies in connection with this Bill, but I wish to point out what the noble Lord's Amendment seems to do. Its object is to prevent Irish disputes coming within the Bill. Now the Irish disputes, as we all know, are disputes between landlord and tenant.

THE EARL OF DONOUGHMORE: No, certainly not.

THE LORD CHANCELLOR: I am very much surprised. I have always heard a great deal about Irish disputes, and I have mostly understood them to be disputes between landlord and tenant. Will the noble Lord tell me what other disputes there are?

THE MARQUESS OF LONDONDERRY said the disputes were due to the pressure brought to bear on tenants by the United Irish League, who inaugurated a plan of campaign and insisted on just debts not being paid. That was where the dispute arose, and not between landlord and tenant.

THE LORD CHANCELLOR: I must be misunderstood. The point is, whether the disputes in question when they emerge upon public notice are disputes between landlord and tenant [OPPOSITION cries of “No.”] I have not the quick intellect that belongs to the noble Lord's personality, but to me it always seems that the disputes have always been between landlord and tenant. But let me suppose that they are instigated by designing and malevolent persons outside. I will assume that at all events. That being so, the question is whether the dispute between landlord and tenant instigated by the designing and malevolent persons referred to is a trade dispute within the meaning of this Bill. The description of the kind of dispute affected given in the Bill shows that it does not refer to persons who stand in the relation of landlord and tenant, but to people who stand in the relation of employer and employed, and I do not see how you can torture anything else out of that language. I feel rather

nonplussed by the disapprobation of my original statement. I may be wrong, and I stand to be corrected if I am wrong, but it seems to me that disputes between landlords and tenants do not come within this Bill at all.

LORD DUNBOYNE said the point was that the landlord had often nothing whatever to do with creating the dispute. The Land League interfered and said a man should not do what he was at liberty to do by the law to-day, and that being so, if he went against the will of the League, he was immediately boycotted, without any regard to any dispute between himself and his landlord.

THE LORD CHANCELLOR : The point of boycotting is a different one. I was dealing with the question of trade disputes. In regard to what is popularly called boycotting the law still stands. The noble Earl's clause would go to the extent of excluding all building trade disputes, and certainly any strikes of agricultural labourers, either in this country or Ireland. We do not mean to exclude them. We think the agricultural labourer wherever employed ought to come within the Bill. Therefore the Amendment goes too far, and I do not think the noble Earl need be under any misapprehension as to the relation between landlord and tenant.

THE MARQUESS OF LONDONDERRY said his noble friend had clearly put before the Committee the manner in which this Bill, if it became law under present circumstances, would affect the loyal and industrious population of Ireland. Having had considerable experience of that country, and having been Lord-Lieutenant in Ireland from 1886 to 1889, he knew that owing to the action of the United Irish League not only was boycotting rampant all over Ireland, between landlord and tenant, but general boycotting of those employers and employed who were unpopular in the eyes of the United Irish League. These were the people whom the Lord Chancellor had entirely overlooked. He could give the instance of a blacksmith being boycotted for shoeing the horses of an unpopular person.

THE LORD CHANCELLOR : Will the noble Marquess allow me to simplify

matters ? As I understand this Bill it will not in the least affect any transactions of that kind, or any wicked attempt to ruin an individual from spite by boycotting, or any other methods of the United Irish League or any other league. That is not a thing which is done in furtherance of a trade dispute between employer and employed.

THE MARQUESS OF LONDONDERRY said that was exactly what he wanted to have put in black and white in the Bill. If that were done the objection of his noble friend would fall to the ground. The question had already been raised in another place, but the reason why the matter was not pushed forward in the House of Commons was that the speech of the Attorney-General on that occasion was supposed to have given satisfaction to those who were responsible for the Amendment. So satisfactory was the Attorney-General's answer considered as regarded Ireland that Sir Edward Carson stated that they had got the very satisfactory statement that it was not the intention of the Government that the provisions of the Bill in relation to conspiracy and boycotting, legalised by the section, should apply to cases which ordinarily arose in Ireland of disputes between landlord and tenant and the respective organisations which governed those disputes. They in Ireland who represented the loyal and industrious population had not a word to say against trade unions as such, but he feared that under the Bill as it stood these Irish organisations, which had done so much havoc in the past, might be recognised as trade unions and as such be included in the Bill. Why could the Government not put in the Bill in black and white what apparently was their intention ? He asked for a clear definition about which there could be no dispute and no misunderstanding in the Law Courts, so that the Bill if passed would not in any way encourage and assist the most illegal combination that had ever existed in Ireland, namely, the United Irish League.

THE EARL OF CREWE : I think perhaps it would help to shorten this discussion if we clearly had in our minds exactly what noble Lords opposite are afraid of, because I think what noble

Lords think may occur is a case of this kind. A man desires to employ a particular herd, and a league or some body of persons says that if he employs this particular herd he or the herd will be boycotted, and they are afraid that a case of that kind may come under the head of a trade dispute. I should have thought that if there were any dispute between the employer and the employed, between the landlord and the herd——

LORD ASHBOURNE: Those words have been struck out in the definition at the end.

THE EARL OF CREWE: Yes, but it has to be connected with the employment or non-employment of some person. I confess I cannot see unless there is a dispute between the person who has to be employed and the employer that the transaction can in any way be called a trade dispute merely because some persons outside object to the employment. I am no lawyer, but it seems to me that a case of that kind cannot possibly, by any sort of construction, come under the head of trade dispute.

*LORD BALFOUR OF BURLEIGH asked if he might explain the point which the noble Lord said he did not understand. Perhaps an explanation from a layman would carry conviction to the noble Lord's mind. He confessed he shared the apprehension and for this reason. The noble Lord was reminded in the course of his speech of the fact that the words "between employers and workmen" in the Act of 1875 were now repealed. In this Bill a trade dispute was defined as a dispute connected with employment or non-employment or the terms of employment or conditions of labour of any person. It did not matter whether that person was a workman or a member of a trade union or not. He would put a case it was apprehended might happen. Supposing a tenant took a farm from which the previous tenant had been evicted, or somebody incurred the anger of the Land League or National League, or whatever was in existence at the moment, and the league said to one of his servants, "You shall not work for that man," that would be at once a dispute con-

nected with the conditions of labour of some person and all the provisions of this law would come into force. He could not sue or get any redress. It seemed to him under these conditions the apprehensions were very great. Another section of the Bill took from the cognisance of the law acts committed merely in contemplation of a dispute. It seemed to him the case was complete that there was a very grave apprehension that under these circumstances all the machinery of the Bill would be employed in the very cases which noble Lords from Ireland had in their minds.

THE LORD CHANCELLOR: I would not inflict myself again on your Lordships, but one point about employer and employed has been adverted to. Why was it left out? There again decisions of the Law Courts come in. It was held that disputes between employers and workmen meant only disputes between employers and their own workmen, and consequently what we call secondary or sympathetic strikes were unprotected. It was held by the Courts that secondary or sympathetic strikes were unprotected, which was really unreasonable, because the men are entitled to act as a whole. There is no *arrière pensée* on our part. The omission of the words "employers and workmen" was recommended by the Royal Commission and therefore it was done. It has no bearing on this question, because it does not affect what is a trade dispute at all. I hope I have chased that hare.

THE EARL OF DONOUGHMORE: You have not caught it.

THE LORD CHANCELLOR: You will have to decide that. I did my best. I think the point was made by Lord Balfour of Burleigh that in some clauses of this Bill the exemption or privileges are bestowed only in cases of contemplation of trade disputes or furtherance of trade disputes, but still it is in contemplation of a trade dispute and not in contemplation of a dispute between landlord and tenant. The definition "trade dispute" is one which relates solely to employers. You cannot call

it a condition of labour when it is a condition of tenancy. The "conditions of labour" was the only phrase to which the noble Lord referred. If you speak of a tenant and say, these are the conditions under which he holds his tenancy, you would not say they were the conditions of his labour.

***LORD ASHBOURNE** said everyone must admit the great courtesy of the Lord Chancellor and his desire to satisfy everyone, but he would be more relieved if the Lord Chancellor were expressing his judicial opinion on the Woolsack that there was no possibility of a foundation for misapprehension. The question was one of the highest importance and the gravest seriousness. It was obvious that those who lived in Ireland had the best opportunity of knowing what they were talking about. There was such a thing as boycotting, and there were as a fact many outrages committed in connection with the occupation of land which sometimes resulted in boycotting and other grave forms of injustice. No one could defend these things, and they should not be encouraged or the laws weakened. These were commonplaces of the administration of justice. It was indicated by Lord Donoughmore that the drafting of the Bill—he was sure with no sinister intention—was such as to suggest grave doubts in some legal minds whether the words of the Bill might not legalise and therefore encourage boycotting, and that thus the operations of combinations in Ireland that were directed to the assertion of their own power and law as against the law of the land might be encouraged and supported. These were grave fears. The answers that had been given were hardly answers to those who lived under the painful conditions he had referred to. The noble Lord said he thought he had given a satisfactory answer to the discussion. He recognised his earnest desire to give a satisfactory reply, but although nobody had a greater respect for him and his opinions personally he was not satisfied with that reply. The Bill was framed in a way which made every transaction that came within it immune from an action for tort, and it was impossible to obtain an injunction against

the continuance of the wrong. The definition of trade dispute was so wide that it was impossible to read it without seeing that it covered any dispute between employers and employed. The words were, "any dispute connected with the employment or non-employment of any person." There was nothing said by whom or between whom the dispute was to be. It was to be "any dispute in reference to the employment of any person." Where were the narrowing words? They would not have the benevolence of the Lord Chancellor or the guidance of the Attorney-General's trained mind to assist them after this Bill became law. He would be glad to be corrected if he was wrong, but he did not think he had misrepresented or distorted a single word in the Bill. To his mind the Bill was full of peril and doubt, and on the plain consideration of the words its working might entail a real danger. Was there to be no remedy for that risk? Lord Donoughmore had put an Amendment on the Paper framed with the honest desire of trying to stop the danger of legalising boycotting, and intended to meet the state of things to which he had referred. The argument put forward against the Amendment was that it might also cover a building trade dispute. If that were so they strike could out the word "building," and if any other words could be suggested which would meet the difficulty he had pointed out they would be seriously and most favourably considered by the Opposition with a view to their adoption. He could not say anything fairer than that. The noble and learned Lord had said that the disputes in Ireland were all between landlord and tenant. Unfortunately there were a great many disputes of that kind in Ireland, but they were by no means limited to that class of disputes. The relations of landlord and tenant might have a good many other things dependent upon them, and there were many other disputes leaving the landlord out of the question altogether. It was quite unreasonable to suggest that all disputes in Ireland had the narrow bearing indicated by the noble Lord. Anyone acquainted with the affairs of

Ireland for some years back must know that this unfortunate practice of boycotting had prevailed to a large extent. It was a most painful and distressing form of persecution and made a man's life a burden to him. Surely it was not at all unreasonable to listen to the complaints of those who knew Ireland and who thought that if this Bill passed in its present shape it might possibly encourage boycotting, a danger which everybody would like to minimise. He trusted that their Lordships would see the importance of the Amendment.

THE EARL OF DONOUGHMORE asked leave to withdraw the last six words of his new clause. It would then read—

“Nothing in this Act shall apply to anything done in contemplation of or furtherance of a dispute arising from or out of or directly or indirectly connected with the use, occupation, or enjoyment by any person or persons of any land.”

On Question, “That those words be there inserted,” their Lordships divided:—Contents, 64; Not-Contents, 20.

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Onslow, E.	Braye, L.	Rathdonnell, L.
Radnor, E.	Chaworth, L. (<i>E. Meath.</i>)	Redesdale, L.
Stradbrooke, E.	Clonbrock, L.	Somerhill, L. (<i>M. Clanricarde.</i>)
Vane, E. (<i>M. Londonderry.</i>)	Colchester, L.	Sudley, L. (<i>E. Arran.</i>)
Waldegrave, E. [<i>Teller.</i>]	Dawnay, L. (<i>V. Downe.</i>)	Talbot de Malahide, L.
		Wolverton, L.
		Zouche of Haryngworth, L.

NOT-CONTENTS.

Crewe, E. (<i>L. President.</i>)	Coleridge, L.	Haversham, L.
Ripon, M. (<i>L. Privy Seal.</i>)	Courtney of Penwith, L.	Pirrie, L.
Beauchamp, E.	Denman, L. [<i>Teller.</i>]	Reay, L.
Craven, E.	Elgin, L. (<i>E. Elgin and Kin-</i>	Ribblesdale [<i>Teller.</i>]
Portsmouth, E.	cardine.)	Sandhurst, L.
Castletown, L.	Emly, L.	Tweedmouth, L.
	Eversley, L.	Weardale, L.
	Fitzmaurice, L.	

Bill reported with Amendments to the House.

Standing Committee negatived.

The Report of Amendments to be
Lord Ashbourne.

received on Friday next, and Bill to be printed as amended. (No. 236.)

House adjourned at a quarter before Nine o'clock, till Tomorrow, a quarter past Four o'clock.

HOUSE OF COMMONS.

Wednesday, 12th December, 1906.

The House met at a quarter before Three of the Clock.

PETITIONS.

FALKIRK AND DISTRICT TRAMWAYS (EXTENSIONS) ORDER CONFIRMATION BILL.

Read a second time ; to be considered to-morrow.

PARLIAMENTARY FRANCHISE.

Petitions for extension to women ;— from Bowness and Windermere ; Kensington ; St. Albans ; and South Manchester ; to lie upon the Table.

RETURNS, REPORTS, ETC.

POPLAR UNION.

Copy presented, of Transcript of Short-hand Notes taken at the Public Inquiry held by J. S. Davey, Esquire, C.B., Chief General Inspector of the Local Government Board, into the general conditions of the Poplar Union, its Pauperism, and the Administration of the Guardians and their Officers [by Command] ; to lie upon the Table.

RATHMINES AND RATHGAR URBAN DISTRICT COUNCIL.

Return ordered, “ of the following Papers in respect of the Rathmines and Rathgar Urban District Council, viz. : (1) The Auditor’s Reports for the year ending the 31st day of March, 1905 and the 31st day of March, 1906 ; (2) written Objections by Ratepayers, Messrs. O’Driscoll, Moran, O’Rattigan, and Sullivan, to items in the account for the year 1906 ; (3) Auditor’s Reasons for Decisions in respect of the same ; (4) terms of Appeal to Local Government Board by Mr. Sullivan ; (5) Local Government Board’s Decision, No. 54,638, 1906 ; (6) any Correspondence on the matter between the Local Government Board and the Rathmines and Rathgar Urban District Council.”—(Mr. John O’Connor.)

ADJOURNMENT MOTIONS UNDER STANDING ORDER No. 10.

Return ordered, “ of Motions for Adjournment under Standing Order No. 10, showing the date of such Motion, the name of the Member proposing, the definite matter of urgent public importance, and the result of any Division taken thereon during Session, 1906 (in the same form as, and in continuation of, Parliamentary Paper, No. 287, of Session 1905).”—(Mr. Caldwell.)

CLOSURE OF DEBATE (STANDING ORDER No. 26).

Return ordered, “ respecting application of Standing Order No. 26 (Closure of Debate) during Session, 1906, under the following heads :—

1.	2.	3.	4.	5.	6.	7.
Date when Closure moved.	By whom moved.	Question before House or Committee when moved.	Whether in House or Committee.	Whether assent given to Motion or withheld by Speaker or Chairman.	Assent withheld because, in the opinion of the Chair, a decision would shortly be arrived at without that Motion.	Result of Motion and, if a Division, Numbers for and against.

(in continuation of Parliamentary Paper No. 288, of Session 1905).”—(Mr. Caldwell.)

DIVISIONS OF THE HOUSE.

Return ordered, "of the number of Divisions of the House in Session, 1906, stating the subject of the Division, and the number of Members in the majority and minority, Tellers included; also, the aggregate number in the House on each Division; distinguishing the Divisions on Public Business from Private; and also the number of Divisions before and after midnight (in continuation of Parliamentary Paper, No. 0.198, of Session 1905)."—(*Mr. Caldwell.*)

PUBLIC BILLS.

Return ordered, "of the number of Public Bills, distinguishing Government from other Bills, introduced into this House, or brought from the House of Lords, during Session 1906; showing the number which received the Royal Assent; the number which were passed by this House, but not by the House of Lords; the number passed by the House of Lords, but not by this House; and distinguishing the stages at which such Bills as did not receive the Royal Assent were dropped or postponed and rejected in either House of Parliament (in continuation of Parliamentary Paper, No. 0.202, of Session 1905)."—(*Mr. Caldwell.*)

PUBLIC PETITIONS.

Return ordered, "of the number of Public Petitions presented and printed in Session 1906; with the total number of signatures in that year (in continuation of Parliamentary Paper, No. 0.200, of Session 1905)."—(*Mr. Caldwell.*)

SELECT COMMITTEES.

Return ordered, "of the number of Select Committees appointed in Session 1906, including the Standing Committees and the Court of Referees; the subjects of inquiry; the names of the Members appointed to serve on each, and of the Chairman of each; the number of days each Committee met, and the number of days each Member attended; the total expense of the attendance of witnesses at each Select Committee, and the name of the Member who moved for such Select Committee; also the total number of Members, who served on Select Committees (in continuation of Parlia-

mentary Paper, No. 0.199, of Session 1905)."—(*Mr. Caldwell.*)

SITTINGS OF THE HOUSE.

Return ordered, "of the number of days on which the house sat in Session 1906, stating for each day the date of the month and day of the week, the hour of the meeting, and the hour of adjournment; and the total number of hours occupied in the Sittings of the House, and the average time; and showing the number of hours on which the House sat each day and the number of hours after midnight; and the number of entries in each day's Votes and Proceedings (in continuation of Parliamentary Paper, No. 0.201, of Session 1905)."—(*Mr. Caldwell.*)

BUSINESS OF THE HOUSE (DAYS OCCUPIED BY GOVERNMENT AND BY PRIVATE MEMBERS).

Return ordered, "showing, with reference to Session 1906, (1) the number of Sittings at which Government Business had precedence under the Standing Orders during the entire Sitting; (2) the number of Sittings on Tuesdays and Wednesdays at which precedence was given before the 24th April to Government Business up till 7.30 p.m. and to Private Members' Business at 9 p.m., and after that date at which precedence was given to Government Business up till 8.15 p.m., and to private Members at 8.15 p.m., and the number of Sittings on Fridays at which private Members had precedence under the Standing Orders; (3) the number of Sittings at which Government Business was given precedence under a special order of the House during the entire Sitting; (4) the number of Saturday Sittings; (5) the total number of Sittings at which Government Business had precedence; (6) the total number of days on which the House sat; and (7) the number of days on which Business of Supply was considered (in continuation of Parliamentary Paper, No. 289, of Session 1905)."—(*Mr. Caldwell.*)

PRIVATE BILLS AND PRIVATE BUSINESS.

Return ordered, "of the number of Private Bills, Hybrid Bills, and Bills for confirming Provisional Orders introduced into the House of Commons and

brought from the House of Lords, and of Acts passed in Session 1906, classed according to the following subjects:— Railways, Tramways, Tramroads, Subways, Canals and Navigations; Roads and Bridges, Water, Waterworks, Gas, Gas and Water, Lighting and Improvement, Police and Sanitary Regulations Corporations, &c. (not relating to Police and Sanitary Regulations or to Lighting and Improvement Schemes); Ports, Piers, Harbours, and Docks; Churches, Chapels and Burying Grounds; Markets and Fairs; Gaols and other County Buildings; Inclosure and Drainage; Estate; Patent; Divorce; Naturalisation; Hospitals, and Miscellaneous: Of all the Private Bills, Hybrid Bills, and Bills for confirming Provisional Orders which in Session 1906 have been reported on by Committees on Opposed Private Bills or by Committees nominated partly by the House and partly by the Committee of Selection, together with the names of the selected Members who served on each Committee; the first and also the last day of the sitting of each Committee; the number of days on which each Committee sat; the number of days on which each selected Member has served; the number of days occupied by each Bill in Committee; the Bills the Preambles of which were reported to have been proved; the Bill the Preambles of which were reported to have been not proved; and, in the case of Bills for confirming Provisional Orders, whether the Provisional Orders ought or ought not to be confirmed: Of all private Bills and Bills for confirming Provisional Orders which, in Session 1906, have been referred by the Committee of Selection, or by the General Committee on Railway and Canal Bills, to the Chairman of the Committee of Ways and Means, together with the names of the Members who served on each Committee; the number of days on which each Committee sat; and the number of days on which each Member attended: And, of the number of Private Bills, Hybrid Bills, and Bills for confirming Provisional Orders withdrawn or not proceeded with by the parties, those Bills being specified which have been referred to Committees and dropped during the sittings of the Committee (in continuation of Parliamentary Paper, No. 0. 197, of Session 1905).”—(*Mr. Caldwell.*)

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Kerry Potato Crop Failure.

MR. THOMAS O'DONNELL (Kerry, W.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he has received Reports from Brandon, Keel, Inch, and Cromane, county Kerry, as to the failure of the potato crop in those districts; and whether he proposes to take any steps to help the people over the winter, and also to supply them with proper seed potatoes next spring?

(*Answered by Mr. Bryce.*) I have received Reports from the districts mentioned. The Reports from Keel, Inch, and Cromane indicate a backward crop, but those from Brandon a very good one. I would refer the hon. Member to the very full reply which I gave to the Question of the hon. Member for East Mayo on Wednesday last,† when I dealt with the position of county Kerry as regards the partial failure of the potato crop, and stated the intentions of the Government in the matter generally.

Ballinarry Evicted Tenants.

MR. KENDAL O'BRIEN (Tipperary, Mid.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can say whether the Estates Commissioners have received an application from Edmond Feehan, of Ballinarry, in the county of Tipperary, for reinstatement in his holding of 60 acres situate at Garroncilla, Gortnahoe, near Thurles, on the Jones estate, and from which he was evicted in the year 1884 for non-payment of a rack-rent; whether he is aware that the agent, Peter Fitzgerald, of Adare, in the county of Limerick, recently let the lands to graziers; and what action the Commissioners propose to take in the circumstances?

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that they have received from Edmond Feehan an application for reinstatement, and have referred it to one of their inspectors for inquiry and report. The Commissioners have no present knowledge of the facts, and cannot say what action they may take until they have received and considered the inspector's report.

† See (4) *Debates*, clxvi., 941-945.

Cavan and Leitrim Light Railway Accounts.

MR. VINCENT KENNEDY (Cavan, W.): To ask the Chief Secretary to the Lord Lieutenant of Ireland if he is aware that the directors of the Cavan and Leitrim Light Railway Company have refused to allow Mr. John Prior, of Bawnboy, to audit the company's accounts, although he was appointed their auditor on the 15th October, 1906; will he say when were the company's accounts last audited, and by whom; how was his appointment made; and will the Local Government Board take immediate action if there has been serious irregularity?

(*Answered by Mr. Bryce.*) I understand that the directors of the Cavan and Leitrim Light Railway Company have informed the Bawnboy Rural District Council that, owing to the informality in the constitution of the joint committee appointed under Article 3 of the Local Government Board's Adjustment Order of the 11th December, 1902, the company would not act on the resolution adopted by the council on the 15th October, 1906, appointing Mr. Prior to audit the company's accounts. I am informed that in March last the company's accounts were audited by the late Mr. M'Govern, who was duly appointed auditor by the joint committee and acted in that capacity till his death. No properly constituted joint committee under the Adjustment Order mentioned is at present in existence, owing to the fact that the rural district councils of Cavan and Bawnboy and the urban district council of Belturbet did not, at their first quarterly meetings held after the 1st January, 1906, elect representatives to serve on the committee. On 15th November the Local Government Board drew the special attention of the district councils concerned to their duties under the Order, and requested that care might be taken by the councils that the appointment of members to serve on the joint committee is duly made by them at their first quarterly meeting held after 1st January, 1907.

Miss Nixon's Cavan Property.

MR. VINCENT KENNEDY: To ask the Chief Secretary to the Lord Lieutenant of Ireland whether Miss Nixon,

Kingstown, is selling her property around Blacklion, in county Cavan; if so, is it proposed to sell the grazing ranches in the townlands of Neggiel and Barran, in the parish of Killinagh; who is the proposed purchaser; how much land does this man hold; is there a large amount of congestion and many uneconomic holdings right round the 700 acres the subject of this Question; and will the Estates Commissioners' attention be specially directed to this case?

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that an originating application for the sale of the estate mentioned has been lodged with them. In addition to the tenanted lands it was proposed to sell 166 acres as parcels to two persons, one of whom is an evicted tenant. The other is the son of a tenant on the estate, and the Commissioners have refused to sanction any advance unless the holding, comprising about 150 acres, which it was proposed to sell to him should be sold to the Commissioners themselves for the purpose of the enlargement of small holdings on the estate.

Dowra Fair Accident.

MR. VINCENT KENNEDY: To ask the Chief Secretary to the Lord Lieutenant of Ireland whether a man named Patrick Dolan was knocked down and seriously injured on the 3rd December in the fair of Dowra by a car driven by one Thomas Brady; at what hour did the occurrence take place; what speed was the car going at in the crowded street of Dowra; was Dolan rendered unconscious for two hours; what action have the police taken in the matter; and who is this Brady who drove the car.

(*Answered by Mr. Bryce.*) I am informed by the police authorities that on the occasion mentioned it was alleged that Patrick Dolan was knocked down by Thomas Brady's car when passing through Dowra. The hour was quarter to five. The car was going at a brisk trot. Dolan was not rendered unconscious or seriously injured, but was momentarily stunned and was cut on the cheek and hand. The police did not witness the occurrence, and have no evidence that the man was knocked down by Brady's car. A crowd, which had surrounded Brady's car, was shouting and jostling at the time of the

accident. Brady, who is a bailiff, resides at Drumnafinla.

The Convict James McCann.

MR. J. P. FARRELL (Longford, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that James McCann, who, in March, 1906, was sentenced to three years' penal servitude for an alleged Whiteboy offence, is at present in a very dangerous condition of health; and will he now advise the Lord-Lieutenant to extend to him the clemency of the Crown and order his release on such terms as may seem fit.

(*Answered by Mr. Bryce.*) The prisoner in this case was not convicted of a Whiteboy offence, but for an assault causing actual bodily harm. I am informed by the police authorities that the prisoner is in good health, and has not at any time since his sentence been in a dangerous condition of health. It does not fall within my province to advise the Lord-Lieutenant in his exercise of the clemency of the Crown. I understand, however, that the Lords Justices, acting on His Excellency's behalf, have informed the hon. Member that the prisoner's case will be again considered upon the expiration of one year of his sentence.

River Riffey Floods.

MR. J. P. FARRELL: To ask the Chief Secretary to the Lord-Lieutenant of Ireland when the Report of the Royal Commission on Drainage may be expected; and when will he be in a position to direct the Board of Works to order such drainage works in the Cam and Clonwhelan district of North Longford as will prevent the constant flooding of these lands by the River Riffey.

(*Answered by Mr. Bryce.*) The Commissioners inform me that they hope to present their Report on Arterial Drainage in Ireland early next month. It would not be possible to make any statements upon the matter referred to in the latter part of the Question until the Report has been received and considered.

Irish Agricultural Organisation Society. Wexford Council's Resolution.

MR. FFRENCH (Wexford, S.): To ask the Chief Secretary to the Lord-

Lieutenant of Ireland if he has received a copy of a Resolution passed by the Wexford County Council, protesting against the action of the Council of Agriculture and the Agricultural Board in subsidising an organisation known as the Irish Agricultural Organisation Society, which has no legal *status*, and is subject to no public control, to the prejudice of county councils and their committees; and whether he proposes to take any action in the matter.

(*Answered by Mr. Bryce.*) I have received the resolution mentioned in the Question, and would refer the hon. Member to my Answer to the Question on this subject put by the hon. Member for North Cork on Wednesday last.† The law officers are at present considering the question of the legality of payments by the Department of Agriculture to the Irish Agricultural Organisation Society.

The Comptroller and Auditor-General.

MR. PAUL (Northampton): To ask Mr. Chancellor of the Exchequer whether Mr. Kempe, the Comptroller and Auditor-General, is under any sort of obligation to retire at a specified age; if so, by whom that obligation could be enforced; and whether the Treasury could make a similar arrangement with a Judge of the High Court of Justice.

(*Answered by Mr. Asquith.*) Before his appointment by the Crown to the office of Comptroller and Auditor-General, Mr. Kempe gave an undertaking to the then Prime Minister that he would retire from the office on attaining the age of sixty-five. There is no legal power to enforce this undertaking. It is clear that the Treasury would have no power to make any such arrangement with a Judge of the High Court.

Norwich Telegraphists' Holidays.

MR. TILLET (Norwich): To ask the Postmaster-General whether he has received a memorial from the Norwich telegraph staff, asking that the holiday arrangements may be altered and that seniority of service may be the basis of selection for the periods of annual leave; and whether an Answer can now be given in view of the fact that the lists for 1907 will be prepared almost immediately.

† See (4) *Debates*, clxvi., 957-8.

(*Answered by Mr. Sydney Buxton.*) I have had this question under consideration, and I find that for ten years past the men staff and women staff have chosen their leave separately according to seniority. Under a combined list, as desired by the male staff, the summer months would, by reason of seniority, fall to the men and the winter months to the women. This would obviously be very unfair to the latter, and I could not agree to it. In 1898 the Norwich staff were offered a scheme whereby the bulk of the holidays would have been restricted to the better months of the year; but this they refused, although such a scheme finds favour at many offices. This scheme is still open to adoption if they desire to accept it. As an alternative I am now offering the staff another scheme under which the holidays may be divided into two approximately equal parts taken in rotation, one part in summer and one part in winter, an arrangement also obtaining at several other large offices.

Naval Dietary.

MR. HAVELOCK WILSON (Middlesbrough): To ask the Secretary to the Treasury whether he is aware that dissatisfaction exists amongst the men of the Royal Navy in consequence of the meagreness of the food scale, dealing with the provisions supplied to men on His Majesty's ships; whether he is aware that the men have to supplement the Navy rations at their own expense; and, seeing that many of the men have to expend as much as 4s. per week to purchase additional food, in consequence of the naval rations as provided by the Admiralty not being sufficient, will he consider the advisability of providing increased rations.

(*Answered by Mr. Edmund Robertson.*) The whole question is at present being comprehensively dealt with by a Committee, in accordance with the undertaking given during the discussion on the Navy Estimates, and all the points mentioned are receiving consideration.

Naval Uniforms.

MR. HAVELOCK WILSON: To ask the Secretary to the Admiralty whether he is aware that discontent exists amongst the men of the Royal Navy in

consequence of the expense to which they are put in having to purchase uniforms at their own cost; and whether he will consider, in the Naval Estimates next year, the advisability of asking for a grant so as to ensure that men of the Royal Navy may be provided with an outfit of clothing at the expense of the nation.

(*Answered by Mr. Edmund Robertson.*) The expense devolving on the men in connection with the upkeep of their kits will be considerably diminished for the future, as the result of the revision of the seamen's uniform. Part of this revision has already come into effect, whilst the remaining details will shortly be promulgated. A free outfit of clothing is already given, with a very few exceptions, to men on first entry into the service; and it is not intended to propose the change suggested in connection with the forthcoming Estimates.

Death of Coldstream Guards at Caterham.

SIR WILLIAM COLLINS (St. Pancras, W.): To ask the Secretary of State for War whether either or both of the recruits Geall and Morris of the Coldstreams Guards, who died last month at Caterham, had been recently vaccinated, whether it is in accord with Government instructions to public vaccinators that the operation should not be performed during the prevalence of infectious disease in the neighbourhood.

(*Answered by Mr. Secretary Haldane.*) Private Geall was vaccinated with twenty-four other men on the 6th ultimo, and private Morris with twenty-one other men on the 13th ultimo. All the other men have done quite well, and the arms of Geall and Morris were examined immediately after they had been put to bed, and found in each case to be normal. The regulations to which my hon. friend alludes are no doubt those of the Local Government Board which apply only to the vaccination of infants.

Arms Licences in Ireland—Case of James Mulvihill.

MR. J. P. FARRELL: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether any steps will be taken by the police to deprive James

Mulvihill, of Leaf, county Longford, of his licence to have and carry arms, in view of the charge made against him at the recent Wicklow Assizes.

(*Answered by Mr. Bryce.*) I am informed that the jury disagreed in the case of James Mulvihill, which was tried at the recent Leinster Winter Assizes, and that the defendant will be put on trial at the next assizes. While the case is *sub judice* no decision will be arrived at as regards Mulvihill's arms licence.

Granard Fair-rent Cases.

MR. J. P. FARRELL: To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will state the names of the Sub-Commissioners who recently heard fair-rent cases from the union of Granard; in how many cases they varied the existing rent in favour of the landlord and tenant respectively; what was the average percentage of their reduction; and whether the fall in the value of agricultural produce was taken into account when making their valuation.

(*Answered by Mr. Bryce.*) The Land Commission informs me that the cases referred to in the Question were heard by the Sub-Commission in open Court in the presence of the parties, who are, therefore, aware of the composition of the Court. In such cases the parties have all been notified of the decisions of the Court. The same Court has at present before it a further list of cases from the same union, which were heard in November, and in which the decisions have not yet been given. The Land Commission do not think it desirable that the result of judicial decisions under the Land Law Acts in particular cases should be discussed by means of Parliamentary Questions, and they hold that it would lead to serious embarrassment in pending cases if such a course were taken. If any of the parties are aggrieved by the decision of the Sub-Commission Court the remedy provided by the Land Law Acts is to apply for a re-hearing by the Land Commission Appeal Court.

Monaghan Post Office.

MR. O'HARE (Monaghan, N.): To ask the Postmaster-General if he is aware that the site for the new post office

buildings in the town of Monaghan has already been decided on by the Department; will he say if the plans and specifications of the new buildings are already completed; whether, seeing that Monaghan is an important town and the centre of a large postal district, he will say what is the cause of the delay in proceeding with the work; and if he can state when the advertisement will be issued in connection with the erection of the same.

(*Answered by Mr. Sydney Buxton.*)

The site for the new post office was decided on some time ago; but, owing to legal difficulties in connection with its acquisition, the contract for its purchase was not signed until October last. Working drawings are now being prepared with the view of inviting tenders, but until matters have progressed further it will not be possible to enter into a contract for building.

Immigration of Aliens.

SIR HOWARD VINCENT (Sheffield, Central): To ask the Secretary of State for the Home Department if he is aware that English addresses are let on hire on board immigrant ships to enable aliens to impose upon immigration boards that they have friends in this country who will be responsible for them; that £5 notes are similarly lent in order to deceive the boards; and if he will caution them to be on their guard against this fraud and, before giving admittance, to have addresses verified and the hirers of £5 notes closely cross-examined.

(*Answered by Mr. Secretary Gladstone.*)

Yes, Sir. I am well aware that tricks such as those mentioned in the Question are practised by some alien immigrants or by persons on their behalf. The immigration officers and boards have even better reason than myself to be aware of the facts.

Political Refugees—Chaim Bromberg.

SIR HOWARD VINCENT: To ask the Secretary of State for the Home Department if he will state how Chaim Bromberg, a destitute alien boy of seventeen, who was admitted on 28th November as a political refugee, proved that his political opinions were of any

importance to the Russian or any other Government; and who thus succeeded in gaining admittance to the London labour market.

(Answered by Mr. Secretary Gladstone.)

I am not aware that the Aliens Act places on this or any other alien immigrant an obligation to prove the point suggested in the Question.

Motor Speeds—Case of R. K. Hannah.

MR. BOWERMAN (Deptford): To ask the Secretary of State for the Home Department if his attention has been called to the case of motorman R. K. Hannah, attached to the Clapham depot, who on the 12th July last was summoned for exceeding the speed limit in Kennington Park Road, and for the offence was, on the 31st July, fined 5s. and 2s. costs at the Lambeth Police Court; whether he is aware that upon applying at Scotland Yard on the 25th August for a renewal of his licence (which expired on the following day), he was told by the authorities to continue at work on the just expiring licence until the 29th August, and then to apply again; that upon so doing he was advised by the authorities that he had better take a holiday, and they would let him know when his licence was ready; and that, upon attending at Scotland Yard on the 3rd September, he was informed that if summoned again his licence would not be further renewed; and whether, as the withholding of the driver's licence for a period of six days involved a loss in wages of £1 17s. 6d., he will be prepared to give the matter due consideration, with a view to insuring that in future men summoned for similar offences may not be penalised twice over.

(Answered by Mr. Secretary Gladstone.)

I am informed that any delay in this case was Hannah's own fault. As his licence was about to expire a requisition was sent to him on 9th August, to be returned within seven days for inquiries to be made. He kept it, however, till the 21st August, only allowing five days for the inquiries. Although the police called several times the references could not be seen, one being away on a holiday. Hannah attended New Scotland Yard on 25th August, and was allowed to retain

his badge, etc., for the full three days grace. The inquiry was completed on 31st August, and he was told to call for his licence on 1st September, but did not do so till the 3rd. There was no question of penalising him for any offence, this having been dealt with by the issue of a caution.

Charge against Widnes Salvationists.

MR. SEDDON (Lancashire, Newton): To ask the Secretary of State for the Home Department whether, in view of the sworn declaration forwarded to him with reference to the statements made by the Widnes police against two women members of the Salvation Army, he will cause an inquiry to be made, whereby these women may have an opportunity of removing the charge against their truthfulness.

(Answered by Mr. Secretary Gladstone.)

I have made further inquiry in this matter. There are some minor discrepancies between the statements made by the two women and those made by the police; the two women, for instance, say they protested against having to wash their faces in the presence of police officers, while the police did not understand that a protest was made; but I do not think that these discrepancies involve any charge of untruthfulness against any one. They are probably due to misunderstanding or forgetfulness of what was regarded at the time as a trifling matter. What appears to me to be the serious matter is that the women were confined in the station and required to do their toilet without the presence of a female attendant. On this point I am glad to say that I have received a satisfactory assurance from the chief constable. He tells me that on 28th November he issued an order directing that, in future, arrangements must be made for a female to be present when a female prisoner has to wash, and forbidding the presence of constables on such occasions.

Civil Rights of Policemen.

MR. O'GRADY (Leeds, E.): To ask the Secretary of State for the Home Department whether the conditions of service in the police force are such as to prevent police officers from using their

civil rights in all respects; whether the conditions preclude a member of the force from writing to the public Press commenting upon matters connected with the terms of service; and, if so, will he issue an order instructing that there shall be no undue restraint upon police officers in these matters.

(Answered by Mr. Secretary Gladstone.)

The members of the Metropolitan police, like other public officers, are necessarily subject to certain restrictions in the exercise of their civil rights. They cannot, for instance, sit in this House, or on county or borough councils, nor may they act as directors of companies. They are also prohibited from communicating with newspapers on police matters without the consent of the Commissioner. The last is a restriction similar to that imposed on all civil servants, and is clearly necessary in the public interest. I have no reason to think that any undue restraint is imposed.

Poplar and West Ham Inquiries.

MR. MEYSEY-THOMPSON (Staffordshire, Handsworth): To ask the President of the Local Government Board when he proposes to lay before Parliament the reports of the inquiries regarding the local financial conduct of affairs in Poplar and West Ham.

(Answered by Mr. John Burns.) Mr. Davy's report relative to the general conditions of the Poplar Union, its pauperism, and the administration of the guardians and their officers, has already been issued as a Parliamentary Paper. The inquiries at West Ham were of a different character and related to matters arising out of the Auditor's Reports. It is not the practice to publish reports of this kind, and I see no sufficient reason for making an exception to the rule in the present case.

London Local Government.

MR. MEYSEY-THOMPSON: To ask the President of the Local Government Board whether there is any intention of his Department to make inquiries in other metropolitan and other areas similar to

those which have been and are being made in Poplar and West Ham.

(Answered by Mr. John Burns.) If the circumstances of any other union should appear to me to make a public inquiry or a special investigation expedient I shall direct one to be made. An investigation as to the expenditure on the workhouse buildings in the parish of Hammersmith is now being made.

Small-pox v. Chicken-pox.

MR. LUPTON (Lincolnshire, Sleaford): To ask the President of the Local Government Board if he has cognisance of the suggestion of the Registrar-General, in his Annual Report, that medical men are in the habit of ascribing some deaths to chicken-pox which are really cases of small-pox; and if he has taken any steps to prevent the continuance of this practice.

(Answered by Mr. John Burns.) I presume that my hon. friend refers to the opinion expressed by the Superintendent of Statistics in the letter from him to the Registrar General, which is printed in the latter's last Report, to the effect that it is at least probable that most of the deaths in 1904 said to have been from chicken-pox were unrecognised cases of small-pox. It falls within the province of the Registrar General to direct public attention, in his Annual Reports, to such a point as that referred to as affecting the accuracy of vital statistics, but neither he nor I have any authority to take further action in the matter.

School Places—Mode of Calculation.

MR. GEORGE WHITE (Norfolk, N.W.): To ask the President of the Board of Education, whether he has considered the proposal of the local education authority for London to alter the method of ascertaining the number of school places required, which method has been established for many years by a formal agreement between the School Board and the Board of Education; whether a similar proposal to avoid the provision of schools by altering the basis

of calculation was made by the School Board in 1888 and refused by the Board of Education; and whether he will withhold his sanction from the present proposal.

(Answered by Mr. Birrell.) The Board of Education have as yet received no proposals from the local education authority for London as to any new method of ascertaining the number of school places required, nor have they been informed of any method of calculation having been adopted or proposed by that authority which would seek to revive any rejected proposals of the London School Board in 1888. When any specific application reaches the Board of Education from the London County Council for providing or abolishing school places, I may assure my hon. friend that it will be considered and determined by the Board of Education strictly on its intrinsic merits and with full regard to the very varying needs of different parts of the metropolis.

The "Roscommon Messenger."

MR. HAYDEN (Roscommon, S.): To ask Mr. Attorney-General for Ireland, whether, in the town of Roscommon, boys have been interfered with by the constabulary in selling copies of the *Roscommon Messenger* newspaper in the streets; if so, under what authority, and by whose instructions.

(Answered by Mr. Cherry.) I am informed by the police authorities that in three instances recently, one on 3rd ultimo and two on 1st instant, the police found boys under eleven years of age having copies of the *Roscommon Messenger* for sale in the streets of Roscommon. In each case the parents of the children were warned that they were committing an offence against The Prevention of Cruelty to Children Act, 1904, by allowing their children so to act, with the result that they sent the children home and the papers were returned to the *Messenger* office. The police acted on their own initiative in the matter.

House of Commons Waiters.

MR. WATT (Glasgow, College): To ask the hon. Member for Mid-Derbyshire, as Chairman of the Kitchen Committee

if he will explain why the waiters of the House do not receive salary or wages during the Recess of Parliament; and whether he will remedy this state of matters.

(Answered by Sir Alfred Jacoby.) If the hon. Member will explain to me how the necessary funds are to be obtained to carry out his suggestion, I will promise him that his proposal shall receive the careful consideration of the Kitchen Committee.

Madras Infantry Rights—British Officers.

MR. REES (Montgomery Boroughs): To ask the Secretary of State for India whether the British officers of Madras infantry regiments have been reduced to ten in number and the men to 600; if so, whether such regiments are regarded as being fit for active service; and whether any such regiments, with the exception of the regiment quartered at Poona, are stationed at other than single regiment stations.

(Answered by Mr. Secretary Morley.) The establishment of eight locally recruited Madras regiments has been reduced to ten British officers and 600 natives of all ranks in each regiment. These regiments are fit for active service. Two of these regiments are at single battalion stations and one is in Ceylon.

Transport of Indian Coolies for Natal.

MR. REES: To ask the Secretary of State for India, whether regulations exist for the space required on board ship for Indian coolies returning from Natal to Southern India; whether these regulations are properly enforced by the Natal Government; and whether, in a recent return voyage from Durban to Madras the "Umfuli" was improperly crowded.

(Answered by Mr. Secretary Morley.) I have no information as to the regulations in force as regards ships returning from Natal to India; but I understand that the particular case referred to by the hon. Member is receiving the special attention of the Government of Madras.

Health of Indian Coolies.

MR. REES: To ask the Secretary of State for India whether statistics are

available regarding the proportion of invalid coolies sent back to India from Natal before their indentures have expired, and the proportion admitted into hospital for lengthy periods during their indentures in Natal.

(Answered by Mr. Secretary Morley.) Statistics under the first heading, and a statement of the total number of Indians admitted to hospital, are given in the annual report of the Protector of Indian Immigrants, published by the Government of Natal, a copy of which I shall be happy to communicate to the hon. Member. In 1905 the number of Indians who arrived was 7,917, the total number under indenture was 32,153, the number who were sent back as unfit for labour was 503, and the total number admitted to hospital (irrespective of the length of period of such admission, which is not stated) was 9,408.

Sikhs in Canada.

MR. REES: To ask the Secretary of State for India whether he is aware that 2,000 Sikhs, more or less, are without occupation in Canada; whether any action can be taken for their repatriation if they cannot obtain employment; and whether the fact has been duly published in the *Punjaub* and elsewhere in India that there is no career in Canada for Sikhs or other Indians who have crossed the Pacific.

(Answered by Mr. Secretary Morley.) My attention has already been called to the case of the natives of India to whom the hon. Member refers, and I have been in communication with the Colonial Office and the Government of India on the subject. I can make no statement at present as to the possibility of their being repatriated. I requested the Government of India by telegraph last month to make it widely known that British Columbia is not at present a suitable field for Indian labour.

Movements of Troops.

MAJOR ANSTRUTHER-GRAY (St. Andrews Burghs): To ask the Secretary of State for War whether he will give instructions that as much notice as possible may be given to His Majesty's troops of a change of quarters in times of

peace, so as to save the expense which now too often falls upon married officers and soldiers; and whether, seeing that if this could be done it would be a boon which would cause no expense to fall on the public, he will issue regulations on the subject.

(Answered by Mr. Secretary Haldane.) Every effort is made to avoid delay in the issue of instructions as soon as a decision to move troops has been arrived at. The hon. Member will understand that such decisions must sometimes await determination of questions of policy, and that it would not be to the advantage of the service or of the individuals concerned to issue instructions to prepare for a move before it is definitely decided it should take place.

Small-Arm Ammunition.

SIR FREDERICK BANBURY (City of London): To ask the Secretary of State for War what instructions were sent some years ago to the commands abroad not to keep small-arm ammunition beyond a certain time; and what was the period of time then fixed as an age limit for such ammunition.

(Answered by Mr. Secretary Haldane.) Commands abroad were informed that it was considered undesirable to retain small-arm ammunition in store abroad for so longer period than five years, and that a Report was to be furnished of the amount and date of manufacture of all ammunition four years old.

Lord Kilmaine's Westmeath Estate.

MR. SULLIVAN (Westmeath, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he is aware that the tenants on Lord Kilmaine's estate near Rochfort Bridge, county Westmeath, signed agreements to purchase their holdings, under the Land Act of 1903, about two years ago; will he say if the sale has been completed yet; if the tenants are still paying interest to the landlord; whether a valuer from the Irish Estates Commissioners has been inspecting the property on their behalf within the last week; whether he is aware that the poorer tenants on this property sent two memorials to the Commissioners asking for a distribution of a portion of the large

grass lands amongst them, without any effective result; and whether, seeing that there are many small holdings on this estate, and some grass ranches let to graziers on the eleven months system, he will urge on the Commissioners the necessity of promptly dealing with this property.

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that the purchase agreements in respect of the estate in question were lodged with them in February, 1905. The advances have not yet been made, and the tenants are still paying interest on the purchase money. The documents in the case, including the memorials mentioned in the Question, have been referred to an inspector for inquiry and report. The inspector's Report has not yet been received, but upon its reception the Commissioners will deal with the estate and will give due consideration to the memorials.

County Antrim Police Headquarters.

MR. O'NEILL (Antrim, Mid.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if it is intended in future to make Ballymena the head quarters in the county of Antrim of the Royal Irish Constabulary, considering that Ballymena is the centre of the county, is the centre of the railway system of the county, and always was the head quarters until a few years ago, when they were transferred to Lisburn, on the very edge of the county and not on the principal railway system of the county.

(*Answered by Mr. Bryce.*) The matter referred to in the Question is at present under consideration. The points mentioned by the hon. Member will not fail to receive attention.

Exodus of Irish National School Teachers.

MR. SLOAN (Belfast, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether, in view of the increasing exodus of Irish national school teachers to England and elsewhere, he is now in a position to make any statement of the new scheme under consideration for the increase of salaries; and, if not, can he say when he expects to be able to do so.

(*Answered by Mr. Bryce.*) The Commissioners of National Education have submitted proposals concerning the salaries of teachers in connection with the Estimates for the coming financial year, which are at present under consideration. I cannot at present name any date when I may be able to make a statement on the subject. The Commissioners inform me that they have no information that there is an increasing exodus from Ireland of national school teachers.

Ballycastle Manslaughter Case.

MR. SLOAN: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the application made to District Inspector Potter, of Ballymoney, on behalf of Constables Seery and Healy, who recently secured the conviction of a man called Devlin for the manslaughter of the late James Brown, station master on the Ballycastle Railway, has yet been placed before the Inspector-General; and whether, seeing that the application was made in July last and no reply has been received, he will bring the matter before the proper authority, with the view of giving those constables the benefit of the police code, which provides for awards where difficult duties have been performed.

(*Answered by Mr. Bryce.*) The Inspector-General informs me that the reply to the first part of the Question is in the negative. Under the regulations of the force, officers are enjoined not to send forward applications for rewards in cases which, in their opinion, do not call for special recognition, and in the present case the district inspector reports that he did not consider special recognition to be called for. If the constables were aggrieved by the decision of the district inspector, it was open to them, under the regulations, to submit through their officers a statement of their case for the consideration of the Inspector-General, but this they do not appear to have done.

Irish School Teachers' Increments.

MR. SLOAN: To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can state why, although eight months has elapsed, 75 per centum of national

school teachers' increments are still unpaid.

(*Answered by Mr. Bryce.*) The Commissioners of National Education inform me that 75 per cent. of the increments have been paid and the remainder are in active process of payment.

Dismissal of Irish School Teachers.

MR. SLOAN: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether any, and, if so, what, precautions are taken by the Commissioners of National Education to safeguard zealous hardworking teachers from dismissal for non-compliance with views foreign to sound education.

(*Answered by Mr. Bryce.*) I have referred this Question to the Commissioners of National Education, who inform me that it is too vague in its terms to admit of an answer. If the hon. Member has any specific instance in view, and will inform me what it is, I will make further inquiry. I am not quite sure what sort of case he intends to refer to.

Postal Servants' Grievances.

MR. WILES (Islington, S.): To ask the Postmaster-General what steps he proposes to take in regard to the consideration of the grievances of the smaller classes of postal servants, who owing to the smallness of their numbers have been debarred from being heard before the Select Committee on Post Office Servants.

(*Answered by Mr. Sydney Buxton.*) When the Committee on Postal Servants has reported, and a conclusion has been come to in reference to their recommendations, I shall be prepared to consider and deal with the claims of any of those classes of postal servants which have not been included in the inquiry.

Macedonian Budget Deficit.

MR. REES: To ask the Secretary of State for Foreign Affairs what was the amount of the last deficit of the Macedonian Budget, and of its declaration; to what extent such deficit has been made good by the Turkish Government in accordance with the Porte's engagement with the Powers; and whether he will

inform the House, or cause inquiries to be made, regarding the amount of the uncovered deficit at periods convenient for comparison from March, 1905, to the present date.

(*Answered by the Secretary Sir Edward Grey.*) The last deficit for September and October is believed to have amounted to £T80,000, of which £T25,000 have been paid. I will inquire as to other deficits; they have previously been met by the Porte, but mostly out of loans and not out of revenue.

Hired Accountant Clerks at the Admiralty.

MR. CLELAND (Glasgow, Bridgeton) To ask the Secretary to the Admiralty if he will state how many hired accountant clerks have been appointed in the Accountant-General's department of the Admiralty, and how many have been discharged as unsuitable or for other reasons.

(*Answered by Mr. Edmund Robertson.*) Including a certain number of hired writers temporarily employed in the Accountant-General's Department who were incorporated in the new scheme on its inauguration on the 1st April, 1905, eighty-nine hired accountant clerks have been appointed in that Department. Of these, fourteen either have resigned, been transferred to other departments, or discharged as unsuitable for the work required of them.

Sir Francis Hopwood.

MR. BONAR LAW (Camberwell, Dulwich): To ask the President of the Board of Trade whether, before making the recent appointment of a Railway Commissioner, the claims of Sir Francis Hopwood to the position were considered.

(*Answered by Mr. Lloyd-George.*) I informed Sir Francis Hopwood that I was prepared to recommend his name to the King for appointment as a Railway and Canal Commissioner; but after consideration he declined the offer. I think the Permanent Civil Service is to be congratulated on retaining so distinguished a public servant in its ranks.

Alcohol as Motor Spirit.

MR. HARMOOD-BANNER (Liverpool, Everton): To ask Mr. Chancellor of the Exchequer when it is intended to apply the provisions of Clause 1 of the Revenue Bill to the manufacture of alcohol for use as motor spirit, so as to cheapen the cost of production and enable alcohol to compete with petrol as a means of propulsion.

(Answered by Mr. Asquith.) I am advised that the "Industrial Methylated Spirit" authorised by Section 1 and defined by Section 4 of The Revenue Act, 1906, could not in any circumstances be allowed to be used for motor cars. The Departmental Committee on Industrial Alcohol [Cd. 2472] reported as follows: "It is manifest that alcohol used for this purpose must be denatured in the most effectual and most permanent manner. Happily this will not present any difficulty, as there is no evidence to suggest that the mineralised methylated spirit in common use in this country is in any way unsuitable or detrimental for this purpose."

Officers' Privilege Leave Pay.

MAJOR ANSTRUTHER-GRAY: To ask the Secretary of State for India whether, in view of the delay in the reply to his question of last July as to the desirability of allowing officers to draw their privilege leave pay at the Home Treasury, a matter of importance to officers concerned, and in view of the time that it has taken to receive a satisfactory reply to his cables with regard to the prevailing sickness at Rawul Pindi, he will consider the necessity of addressing the Government of India in reference to these matters.

(Answered by Mr. Secretary Morley.) The question about sickness at Rawul Pindi was originally asked in the House on 29th November. I have telegraphed to India and the Government reply that they are making inquiries. The hon. Member will allow that such inquiries take time. I am in daily expectation of the information. A further communication has been made to the Government of India regarding the question of privilege leave allowance.

QUESTIONS IN THE HOUSE.

The Disturbances at Portsmouth.

MR. WILLIAM REDMOND (Clare, E.): I beg ask the Secretary to the Admiralty whether he is aware that a petition bearing 150,000 signatures has been laid by *Reynolds' Newspaper* at the Admiralty in favour of the reconsideration of the sentence of five years penal servitude on Stoker Moody.

THE SECRETARY TO THE ADMIRALTY (Mr. EDMUND ROBERTSON, Dundee) said he could not answer for the number of signatures, but a petition to the effect stated had been received at the Admiralty that day.

MR. WILLIAM REDMOND: What will be done with it?

[No Answer was returned.]

Post Office Employees and the County Council Elections.

MR. WILES (Islington, S.): I beg to ask the Postmaster-General whether he is aware that Post Office servants may take a part in the elections and may become candidates for, and serve on, all municipal bodies other than county councils; what is the reason for this distinction; and whether, in view of the forthcoming county council elections, the existing prohibition in regard to county councils will be removed.

THE POSTMASTER-GENERAL (Mr. SYDNEY BUXTON, Tower Hamlets, Poplar): I have considered the question of withdrawing the prohibition which at present exists against Post Office servants taking a part in the elections, or being candidates for, or serving on county councils while they are allowed to participate in these matters in regard to all other municipal bodies. It is difficult to see any valid reason for differentiating in these matters between county councils and other municipal bodies. I, therefore, propose to abrogate the prohibition. At the same time, I desire to make it clearly understood that this liberty of action must in no way interfere with Post Office duties; and, further, that when the duties connected with any of these municipal bodies interfere with the efficient personal performance of his duty as a Post Office

servant, the officer concerned will be required to retire from the body to which he has been elected or from the service.

Reenard Pier.

MR. BOLAND (Kerry, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether any, and if so, what, steps will be taken to construct a pier at Reenard, county Kerry, in view of the frequent representations which have been made, and of the inspections which have been carried out by the Congested Districts Board and the Board of Works.

THE CHIEF SECRETARY FOR IRELAND (MR. BRYCE, Aberdeen, S.): I am not yet in a position to add anything to the reply which I gave to the hon. Member's Question of the 12th November.† The matter is still the subject of correspondence and inquiry.

Ballinskelligs Fishing Industry.

MR. BOLAND: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware of the necessity, in the interest of the fishing industry, for the construction of a suitable pier at Ballinskelligs, county Kerry; and whether he proposes to give effect to the requests frequently put forward on this subject by the fishermen of the district.

MR. BRYCE: The Congested Districts Board have considered this matter, and have decided that, in view of the very large expenditure which would be necessary, they are unable with the funds at their disposal to undertake the construction of a pier at Ballinskelligs.

The Irish Language.

MR. BOLAND: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the statement on page 130 of the recently issued Appendix to the Report of the Commissioners of National Education in Ireland, that Irish is in parts of county Kerry a living language, sometimes the only language, that in Dingle on a market day nine-tenths of the transactions are conducted in Irish, that it is the language of the home and children lisp in Irish at their mother's knee, that it should therefore be the

language of the school from the earliest moment, that English should be taught through the medium of Irish, and that as the child grows up he would naturally and easily become the possessor of two tongues instead of one; and whether with a view to the general adoption of the bilingual system in the schools of county Kerry, he is in a position to state whether any, and, if so, what, facilities will be given.

MR. BRYCE: I understand that the statement referred to in the Question occurs in the general Report for the year 1905 of Mr. Connelly, one of the senior inspectors of schools in Ireland. The Commissioners of National Education inform me that they are prepared to sanction the bilingual programme in the national schools in Irish-speaking districts and in districts in which Irish and English are both commonly spoken, provided that the home language of the majority of the pupils is Irish; that the teacher can speak Irish fluently; and that instruction through the medium of English will be given to any exclusively English-speaking pupils whose parents desire it. The Commissioners hold that in schools in which the bilingual programme is adopted, Irish should be mainly the medium of instruction for the junior standards, and English for the higher. The Commissioners will pay a fee of 4s. for each unit of the average attendance in schools in which the bilingual programme has been sanctioned by them and has been taught satisfactorily, and in which the necessary conditions have been complied with.

MR. MYER (Lambeth, N.) inquired if it were not the fact that certain exporters of Irish products stamped their goods in the Irish language to show the country of origin. Was that in consonance with the regulations of the Board of Trade?

MR. BRYCE replied that he could not speak as to the regulations of that board without notice.

MR. MYER: Irish is not a subject taught in England.

MR. T. L. CORBETT (Down, N.) asked on what system the decision was to be based as to what children should be taught the Irish language.

† See (4) *Debates*, clxiv., 1009-10.

MR. BRYCE said it would be for the Commissioners of National Education to decide what children came within the regulations which would be put in force.

Speech of the Provost of Trinity College, Dublin.

MR. JOHN REDMOND (Waterford): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if his attention has been called to a recent speech of the Provost of Trinity College, one of the Commissioners of National Education, in which he charged the Government with having brought undue pressure upon the Commissioners of National Education in favour of the Irish language; can he state what pressure has been brought to bear upon the Commissioners; and, if no such pressure has been brought, will he consider the advisability of communicating with the Provost of Trinity College with the view of getting the withdrawal of such charge.

MR. BRYCE: My attention has been called to the speech referred to in the Question. I am not aware that any such pressure as is suggested has been brought to bear on the Commissioners of National Education. No action has been taken regarding the statement mentioned in the Question, for if the Irish Government were to make a practice of endeavouring to secure the withdrawal of every statement attributing to them action that they have not taken or intentions they have not entertained, they would have little time for any other work. The Provost of Trinity College, however, on learning of the hon. Member's Question, has been good enough to favour me with a full statement in which he supports the view advanced in his speech by extracts from the correspondence which has passed between the Irish Government and the Commissioners of National Education on the subject of the teaching of Irish. I should gladly have read this statement to the House, but cannot do so because it would be entirely irregular and open to grave objection to publish correspondence between Departments of the Government. I may, however, say that while the Provost thinks these extracts bear out his remarks, they appear to me to have no such meaning, purport, or effect.

MR. JOHN REDMOND asked whether, in view of the fact that the Provost of Trinity College, who was himself a member of the Commission, had in his speech alluded to this correspondence, and that he justified his speech by extracts from it, the Government were not entirely relieved from any obligation of secrecy. Ought not the whole correspondence to be placed before the House?

MR. BRYCE: No, Sir; I cannot assent to the proposition that if a member of the Board chooses to quote correspondence that has passed between one Department and another therefore the Government is to be forced to publish the whole correspondence. What would become of official secrecy?

MR. JOHN REDMOND: Inasmuch as one member of the Board has published statements founded on the official correspondence, would there be any objection to other members of the Board publishing the correspondence?

MR. BRYCE: Yes. I do not think because one member of the Board has done what may be considered to be irregular that the example should be followed by others. So far as I recollect, I do not think that the Provost of Trinity College quoted anything from the correspondence. I think he merely stated his opinion of it.

Rent Abatements.

MR. GINNELL (Westmeath, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland, in view of the congestion in the courts of the Irish Land Commission, the consequent loss to some thousands of tenants who cannot afford loss, and the danger of purchasing on the basis of the present unrevised rents where even that alternative is open, will he reconsider favourably the advisability of providing an immediate general statutory abatement of all rents, following the example set by a Unionist Government in Section 29 of The Land Law Act, 1887; and, if not, will he obtain facilities for a Bill with that object introduced next session by a private Member.

MR. BRYCE: I am not aware of any facts which would render it necessary to consider the very large proposal made by

the hon. Member. As regards the latter part of the Question, I am unable to make any statement as to what may be possible next session.

MR. T. W. RUSSELL (Tyrone, S.) asked if there was not a good deal of distrust owing to the constitution of the tribunal, and if it would not be possible to have a legal commissioner sitting with one assessor.

MR. BRYCE: I am not in a position to answer that Question.

Irish Children's Defective Eyesight.

MR. HALPIN (Clare, W.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether, owing to the increase of defective vision in Ireland, opticians must have a diploma of proficiency before they are permitted to engage in the trade of selling glasses, or fitting the same, according to prescriptions given by medical men who order certain grades of glasses for different cases of impaired vision; whether, in view of the forthcoming Dublin Exhibition, he will take measures to prevent those foreign pedlars who make a living by following exhibitions and representing themselves as American optical companies from deceiving persons by such representations, they being without any *status* of qualifications as opticians; that those who obtain concessions for selling glasses at the forthcoming Dublin Exhibition must be compelled to give the name of the country in which they are domiciled, also the city and place of business in the same; and that to entitle them to trade as opticians at exhibitions in Great Britain and Ireland they must satisfy the British consul in the country of their domicile as to their qualifications and proficiency.

MR. BRYCE: I am not aware that it is necessary that persons who trade as opticians in Ireland should hold any diploma of proficiency, and I am advised that the Irish Government have no power to impose restrictions, such as the hon. Member suggests, upon the sale of spectacles at exhibitions or elsewhere. But if pedlars obtain money by falsely pretending that they represent companies which it can be proved they do not represent, the police will, in the ordinary course, prosecute them upon an information being

sworn by any person who has been defrauded. The Question which the hon. Member raises is one of very wide import, and it does not fall within my province to deal with it.

MR. HALPIN: Is the right hon. Gentleman aware that in the cities and towns and villages of Ireland spectacles are being sold at a shilling a pair which are injurious to the eyesight of the people?

MR. BRYCE: If the hon. Member can bring to my notice any facts as to the prevalence of such a serious practice, or show that the people are being defrauded by the sale of absolutely worthless spectacles I will, of course, have inquiry made.

MR. JOHN REDMOND: May I ask if the right hon. Gentleman has been able to fulfil the promise he recently gave to call the attention of the Commissioners of National Education to the question of the defective eyesight of children in schools?

MR. BRYCE asked for notice of the Question.

MR. LUPTON (Lincolnshire, Sleaford): May I ask if the defective eyesight of the children is due to ill-health caused by vaccination in infancy?

MR. BRYCE: I do not think any such cause can be assigned.

MR. LUPTON: Will the right hon. Gentleman investigate the matter?

[No Answer was returned.]

Mr. Pakenham's Westmeath Grass Ranches.

MR. GINNELL: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland, if he can now say what progress the Estates Commissioners have made towards acquiring for distribution Mr. Pakenham's grass ranches at Cooksborough and Macetown, Westmeath, and when the lands are to be inspected, seeing that the agent, Mr. Philip O'Reilly, of Colamber, announced publicly two months ago the owner's willingness to sell.

MR. BRYCE: The Estates Commissioners inform me that they have twice

written to Mr. Pakenham inquiring whether he was prepared to sell his untenanted land in County Westmeath, but they have not yet received a reply from him. The Commissioners have now addressed a further communication to him on the subject.

Irish Council of Agriculture.

MR. GINNELL: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the criticism at the last meeting of the Council of Agriculture, on the encouragement given by the Department of Agriculture to grazing as against tillage; and whether he will consider favourably the introduction of a short Bill next session to make the Council of Agriculture representative of the public interest and endow it with power.

MR. BRYCE: I am informed that at the last meeting of the Council of Agriculture only one or two Members suggested that more encouragement was being given to pastoral agriculture than to tillage, and such was not the general trend of the discussion. The Department entirely repudiate the charge that they favour either at the expense of the other. Two-thirds of the Council of Agriculture are at present elected. Pending the Report of the Committee which is inquiring into the constitution and working of the Department, I can make no statement as to possible future legislation.

Ards Evicted Tenant.

MR. McVEIGH (Donegal, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the attention of the Estates Commissioners has been called to the case of Moses Glenn, who was evicted from his farm on the Ards estate, near Killygordon, East Donegal, twelve years ago; is he aware that the landlady, Miss Stewart, has now sold to the tenants and restored Moses Glenn to his holding; and, if so, will he take steps to have an inspector sent down to inquire into the matter, with a view to assisting the tenant to build up his houses and re-stock the farm.

MR. BRYCE: The Estates Commissioners inform me that they will send an inspector at an early date to inquire into the case of Moses Glenn referred to in the Question.

Armagh Labourers' Cottage Grants.

MR. LONSDALE (Armagh, Mid.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will state the amount allocated to the county of Armagh from the Exchequer Contribution Account, for the erection of labourers' cottages, for each of the three years 1904, 1905, and 1906, and the amount which will be payable to the county from this fund in future years under the Labourers Act of the present year.

MR. BRYCE: The amounts of the Exchequer contribution allocated to county Armagh for the erection of labourers' cottages in each of the three years ended 31st March, 1904, 1905, and 1906, were, respectively, £1,074, £1,071, and £1,072. The amount which will be payable to the county in future years cannot be estimated. It will depend mainly upon the extent to which the district councils may put the new Act into operation; and in some degree, upon the number of cottages already provided. For further particulars I would refer to my Answer to the similar Question put by the hon. Member for South Down on 5th December.

Cost of Irish Education and Police.

MR. DOLAN (Leitrim, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland, whether, in view of the fact that the estimated cost of the education in England and Wales for the year 1905-6 is £13,139,600 and the cost of the police £2,700,000, whereas in Ireland the estimated cost of public education is £1,393,223 and the estimated cost of the Royal Irish Constabulary and the Dublin Metropolitan Police is £1,405,759, he will take steps to have the proportion readjusted between the expenditure on police and the expenditure on education in Ireland.

MR. BRYCE: The figures mentioned in the Question refer to the estimated expenditure from Imperial funds upon the services of police and education, and not to the total cost of these services. Moreover, as regards education, the hon. Member contrasts the estimates for primary, secondary, and technical education in England and Wales with the estimates for primary education alone in Ireland. The hon. Member appears to have overlooked the fact that in Ireland

almost the whole cost of the services for police and primary education is defrayed from Parliamentary Votes, while in England and Wales nearly one-half of the total cost of primary education and considerably more than one-half of the total cost of police, fall upon local authorities.

Irish International Exhibition.

MR. DOLAN: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether Sir Horace Plunkett granted £2,000 towards the promotion of an international exhibition in Ireland, notwithstanding the condemnation of the project by the Council of Agriculture; and, if so, by what authority did Sir Horace Plunkett make this grant out of public funds.

MR. BRYCE: The resolution of the Council of Agriculture alluded to in the Question advised, not against any contribution, but against any substantial contribution. It was as follows, "That while we do not wish in any way to discourage any such undertaking as an international or a national exhibition, we do not consider that the various imperative calls on the limited funds of the Department will leave them sufficient resources to justify the Department in making any substantial contribution to the funds of any industrial exhibition in the immediate future." This resolution was considered at a meeting of the Agricultural Board on 22nd May last, when it was agreed that the Department of Agriculture should not make any grant for the general purposes of the Exhibition, nor undertake to organise a special exhibit. The question as to whether any arrangements not involving large expenditure might be made for helping small struggling industries to exhibit their products was also discussed by the Agricultural Board, and with their definite concurrence a sum of £2,000 was set aside to be used for this purpose, in the event of its being found that such arrangement would be beneficial. This sum is being applied for the purpose mentioned.

MR. DOLAN: Is the right hon. Gentleman aware that this project is almost universally condemned by the public bodies in Ireland, who think the money might be more profitably spent on

the really national exhibition to be held in the following year?

MR. BRYCE: I am aware that there is a difference of opinion with regard to this matter, but as it is a matter which is within the province of the Board, I see no reason to interfere.

Congested District Board.

MR. DILLON (Mayo, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been directed to the paragraphs in the last Report of the Congested Districts Board, in which it is stated that the revenue at the disposal of the Board is only sufficient to enable them to deal with £140,000 worth of land in each year, and that among pressing requirements to enable them to carry on their work are an increase of income to enable them to meet the loss in dealing with poor estates and carrying out migration, and power to borrow money, to buy out interest in large farms required for rearrangement and enlargement of holdings; and whether, in view of the unexpected delay in presenting the Report of the Congested Districts Commission, he will take steps to place a sum of money at the disposal of the Board sufficient to enable them to carry on their work during the coming year.

MR. BRYCE: The Congested Districts Board at present hold property valued at more than a million and a quarter sterling, a considerable part of which it may be found desirable to prepare for resale to the tenants before making further purchases. The Board's funds are for the present ample to enable them to deal with the lands on which improvements are being carried out. The questions of the provision of funds for the future, and generally of the effectual and expeditious execution of the work on which the Board is engaged, are now being considered by the Royal Commission. The question of adequate funds for the Board's operations next year will be considered when the Estimates for the coming financial year are being prepared.

MR. DILLON: Has the right hon. Gentleman's attention been called to the fact that he himself signed a Report declaring it to be an urgent necessity that

the Board should get additional income in order to carry out pressing works and, if that were the case, is it now consistent for him to agree to the postponement of the matter until the Commission has reported?

MR. BRYCE: I entirely agreed with the Report which has been referred to. It was a case of urgent necessity, but, as I have pointed out, the funds in hand are sufficient to carry out the works in hand. But of course the Report of the Commission would have an important bearing on the scheme for further operations.

MR. DILLON: Will the right hon. Gentleman press on the Treasury the importance of not allowing operations of the Board, in this year of distress especially, to be arrested by a lack of funds pending the report of the Commission?

MR. BRYCE: Certainly Sir, I think it is the duty of the Irish Government to try and secure whatever funds the Board may require.

MR. DILLON: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will inquire of the Royal Commission on Congestion in Ireland whether it intends to present immediately the evidence received up to this date.

MR. BRYCE: The first Report of the Royal Commission on Congestion in Ireland, with an appendix of the evidence taken in Dublin, was presented to Parliament on 27th November. The second Report, with an appendix of the evidence taken in Donegal, will, I am informed, be presented to Parliament in the course of next week. The evidence recently taken in London will follow in due course, but I understand that some time must elapse before it can be presented.

Irish Union Boundaries—Stranorlar Guardians' Resolution.

MR. McVEIGH: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to a resolution passed by the Stranorlar Board of Guardians, at their meeting held on 3rd December; and, if so, whether he will state what steps he proposes to take, and when, to give effect to that portion of the Poor Law Reform Commission Report referred to

in the Resolution, and which is also a standing grievance in another union in Donegal.

MR. BRYCE: I have received the resolution in question, which approves of the recommendation of the Poor Law Reform Commission that Poor Law unions should not extend beyond the boundaries of one administrative county, except in the case of certain county boroughs. It would require legislation to give effect to this recommendation, and, as I have already stated, it will be necessary for the Government carefully to consider the Commissioners' recommendations as a whole, and I do not anticipate that I shall be in a position to make a statement on the subject for some time to come.

Irish School Teachers—Increments of Pay.

MR. GINNEL: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he is aware that national school teachers in Ireland entitled, according to the rules, have not yet received certain increments of pay due to them on 1st April last; that resolutions on this subject forwarded to the Commissioners by the teachers' organisation have been left unheeded; and will he endeavour to have the payments made without further delay, and in future when they become due.

MR. BRYCE: The Commissioners of National Education inform me that the payment of the increments referred to in the Question is proceeding as rapidly as possible, and is now approaching completion. The present year is the third year of the triennial period, and the work has, consequently, been especially heavy.

Sir Morgan Crofton's Mohill Estate.

MR. THOS. F. SMYTH (Leitrim, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if the Estates Commissioners would buy the unsold portions of Sir Morgan Crofton's estate surrounding the town of Mohill, together with the town, with a view to reselling the same to the tenants.

MR. BRYCE: The Estates Commissioners inform me that no originating application in respect of the sale of Sir

Morgan Crofton's estate has yet been lodged with them. They will, however, be prepared to consider the question of purchasing the property if the matter should be brought before them.

Ellis Estate, County Leitrim—Case of Mrs. Casserly.

MR. THOS. F. SMYTH: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if the Estates Commissioners have received an application for reinstatement from Mrs. Casserly, Corlough, on the Ellis estate, in county Leitrim; and if any action has been taken with regard to the same.

MR. BRYCE: The Estates Commissioners inform me that they have received an application for reinstatement from Mrs. Casserly, and have obtained from their inspector a report upon the case which will shortly come before them for consideration.

Irish Teachers' Residences.

MR. THOS. F. SMYTH: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if the Commissioners of National Education in Ireland would consider the advisability of altering the present plans for teachers' residences, so as to include a bathroom and lavatory, to be erected on the latest hygienic principles, and if the cost of the same would be added to the Board of Works loan, and that the number of years for repayment be extended, so as to lighten the present yearly payments on the teachers of Ireland.

MR. BRYCE: I have referred this question to the Commissioners of National Education, by whom it will be considered at their next meeting on the 18th instant.

Land Sales in County Leitrim.

MR. THOS. F. SMYTH: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can state how many estates have been sold in county Leitrim since the passing of the Land Act of 1903, together with the amounts for which they were sold; and in how many cases have the advances for the same been already sanctioned by the Treasury.

MR. BRYCE: The Estates Commissioners inform me that proceedings have

been instituted before them for the sale of fifty-six estates in county Leitrim, the purchase money of which amounts to £271,926. Advances amounting to £22,019 have been made for the purchase of thirteen of these estates. The Commissioners will deal with the remaining estates in their order of priority.

Ardee Town Council and Regulation of Fairs.

MR. NOLAN (Louth, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the Local Government Board auditor has disallowed the payment out of the rates of expenses incurred by the Ardee town commissioners in the regulation of certain fairs within their jurisdiction; and whether he will, by legislation or otherwise, secure that the Commissioners shall not be driven to pay out of their own pockets money spent in the discharge of their public duties or to raise it by a house-to-house collection.

MR. BRYCE: The hon. Member is under a misapprehension in supposing that the Local Government Board's auditor has disallowed in this matter. The auditor's attention, however, was called to the payments in question, and he put a note of caution on the expenditure book, to the effect that there was no statutory authority for defraying out of the rates the cost of advertising fairs, save in cases coming under Section 10 of the Local Government Board (Ireland) Act, 1872. I am not prepared to say whether or not legislation on the subject is desirable. I am told that it would certainly give rise to controversy.

MR. NOLAN: Will the threat be withdrawn?

MR. BRYCE: I am unable to say. The auditor has called the attention of the local authorities to the fact that there is no statutory warrant for these payments, but whether he has any discretion which he can properly use I am unable to say without notice.

Irish Imports of Wheat.

MR. NOLAN: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can state the number of

bushels of foreign wheat consigned, during the year 1905, to the following ports in Ireland, respectively, Dublin, Cork, Belfast, Dundalk, and Drogheda; and whether he can give the names of the consignees.

MR. BRYCE: The imports of wheat into the ports of Dublin, Cork, and Belfast during the year 1905 were as follows:—Dublin, 4,710,123 bushels; Cork, 2,610,608 bushels; Belfast, 2,888,853 bushels. These are the only ports in respect of which the Department of Agriculture publish separate information. No return of the wheat imported into Dundalk and Drogheda in 1905 can be given. The Department have no information as to the names of the consignees.

The Eleven Months System.

MR. VINCENT KENNEDY (Cavan, W.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners, in dealing with estates for sale comprising land held on the eleven months system, observe any rule as to the splitting up of the same amongst the evicted tenants and tenants of uneconomic holdings connected with the particular estate.

MR. BRYCE: The Estates Commissioners inform me that in dealing with any untenanted land which may be acquired by them they pay due regard to the provisions of the Act of 1903, and to the Regulations of the Lord-Lieutenant made under Section 23 of the Act. There are no rules on the subject.

Agrarian Outrages.

MR. LIDDELL (Down, W.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the police have succeeded in discovering the person or persons who maliciously stabbed a mare on the lands of Bawnmore, in the parish of Athenry, on the night of the 22nd August.

The hon. Member had the following Questions also on the Paper:—

To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the police succeeded in discovering the person or persons who maliciously injured

by houghing a horse on the lands of Craughwell, parish of Killora, on the 15th July; and whether any prosecution followed in respect thereto.

To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Killarney Urban Council have received compensation claims from Mr. Jeremiah Hayes for £250, for two ricks of oats destroyed by fire, at Killecoolaght, on 3rd October, and from Mr. Michael Leahy for £100, for a hayshed and twenty tons of hay destroyed by fire at Coolegrean, on 3rd October; and whether the police have discovered the incendiaries.

MR. BRYCE: I am informed by the police authorities that the mare referred to in the first Question was not stabbed, but a cut skin deep and other slight injuries were inflicted. In the second case, the horse was not houghed, but cuts were inflicted on the legs. This horse was worth about £1 before the injury, from which it has recovered. The owner lodged a claim for £17 compensation, but afterwards withdrew it. In the third case, it is a fact that the burnings mentioned took place, and that claims for compensation have been lodged. The police inform me that Messrs. Hayes and Leahy are popular men, and that the burnings, if wilful, were not connected with any agitation. The question whether the fires were the work of incendiaries has yet to be decided by the Court. In none of the cases have the police found evidence which would justify proceedings.

MR. MURPHY (Kerry, E.): Is it not generally believed in the Killarney district that this fire was the work of a tramp? How is it with all the police there they have done nothing to bring the offender to justice? Is it not the fact, too, that at the last six quarter sessions the County Court judge has spoken in praise of the condition of this district?

MR. BRYCE: If the hon. Member wants a reply to the last Question I must ask for notice. Nobody has been prosecuted because no evidence has been obtained.

MR. MURPHY: Well, the chairman of the Killarney Urban Council and myself with the people of the town

attended and helped to put out this fire, while only five policemen put in an appearance.

MR. T. L. CORBETT asked whether the right hon. Gentleman meant to imply that the fact that this horse was of low value entitled anyone to torture it because he happened to differ with the owner on political matters?

MR. BRYCE: I do not mean to imply anything of the sort.

MR. T. L. CORBETT asked whether the right hon. Gentleman did not state as an excuse for this act that the horse was worth a small amount of money.

MR. BRYCE: No. Whatever the value of the horse, any injury inflicted upon a dumb animal is a cruel thing.

MR. FLAVIN (Kerry, N.): Is the right hon. Gentleman aware that 90 per cent. of the applications for compensation in county Kerry have been refused by the County Court Judge, who is an honourable man, nevertheless a Tory?

MR. BRYCE: I know the Judge referred to. I should be sorry to think that in the opinion of the hon. Member any dishonour should be associated with the holding of any particular political view.

Boycotting at Drumkeerin.

MR. LIDDELL: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he has seen a report of the proceedings of the Ballinaglera branch of the United Irish League, which recorded the fact that two boycotted persons of Drumkeerin were receiving supplies from a merchant at Enniskillen, and that action should be taken in the matter; and whether he can say what action was taken.

MR. BRYCE: I am informed by the police authorities that a report to the effect mentioned appeared in a local newspaper, but the police have no knowledge that the proceedings did in fact take place. So far as the police know, no action has been taken in the matter.

Land Appeals.

MR. VINCENT KENNEDY: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will state how many appeals were pending on the 30th November, 1897, 1898, 1899, 1900, 1901, 1902, 1903, and 1904 in the Irish Land Commission.

MR. BRYCE: The Land Commission have furnished me with the following figures showing the number of appeals from decisions of Sub-Commissions and Civil Bill Courts which were pending on the 30th November in each of the years mentioned:—1897, 4,549; 1898, 7,824; 1899, 10,031; 1900, 11,988; 1901, 13,088; 1902, 13,935; 1903, 14,506; 1904, 14,376; 1905, 11,477; 1906, 8,392.

MR. VINCENT KENNEDY: Is not this continued delay a very serious matter for the tenants?

MR. BRYCE: Yes, it is regrettable, and I shall be glad, if I can, to find some means of accelerating the hearings.

Sir Horace Plunket.

MR. MOONEY (Newry): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Vice-President of the Board of Agriculture and Technical Instruction (Ireland), Sir Horace Plunket, is to be the Parliamentary candidate for North Tyrone in the event of a vacancy arising; can he state whether the present Vice-President is qualified for election to Parliament; and, if so, what steps it is intended to take in the event of a member of the Government standing as a Unionist.

MR. BRYCE: Sir Horace Plunket is at this moment in the middle of the wide Atlantic, and unapproachable except possibly by the Marconi system, and I cannot invite his opinion on the matters raised in the Question. But it would have been superfluous to do so, for I can imagine nothing more improbable than that he should think of becoming a candidate for a seat in Parliament so long as he remains in his present post, nor indeed could he properly do so having regard to the fact that, as will be seen by reference to an Answer given by me in this House

on 21st February,† he wrote to me that he should, during his continuance in office, consider himself debarred from taking any part in political controversy.

MR. MOONEY: Does a letter written by an official of the Government override an Act of Parliament?

MR. DILLON: Before the right hon. Gentleman replies I would like to ask him whether Sir Horace Plunket sent that letter to the Government himself or whether he was invited by them to send it, and further whether he has any ground for believing that Sir Horace Plunket has altered his political opinions since he was in this House as a representative for South Dublin or since as a Unionist he contested Galway, and what ground he has for believing that Sir Horace Plunket is not as well qualified now as he was six or seven years ago to stand for a constituency.

MR. BRYCE: This Question does not appear to me to be quite relevant. As regards the Question on the Paper I think everybody will agree that a man who has taken this action solemnly debars himself. As regards the Question put by the hon. Member for East Mayo, I do not know anything of Sir Horace Plunket's opinions or changes of opinion. The Question put to me is, Is he likely to stand as a candidate? and my answer is that I do not think he can.

MR. DILLON: Did Sir Horace Plunket write that letter of his own motion or was it made a condition of his re-appointment? Is not Sir Horace Plunket at this moment under the Act of Parliament a member of the present Government by legal statute.

MR. BRYCE: No, Sir, I do not think he can be called practically a member of the Government. I do not think he is a member of the Government. I regard him as at present in the position of a temporary official. I asked him to retain the office for reasons which I have fully stated to the House. As regards the letter it was written as embodying the arrangement made between the Government and Sir Horace Plunket, and it was part of that that he should consider himself entirely outside politics.

† See (4) *Debates*, clii., 352-355.

MR. MOONEY: If, in view of the statement that he only holds this position temporarily until the Commission should have finished its sittings, will the right hon. Gentleman now consider the advisability, seeing that the Commission is finished, of appointing a permanent Vice-President, and also whether there is any precedent for a Liberal Government appointing a Unionist as Vice-President?

MR. BRYCE: That is not the point. He was asked to continue for the reasons I have given.

MR. MOONEY desired to ask whether Sir Horace Plunket was not an official holding office by virtue of a statute and whether by a private letter he could debar himself from sitting in the House which was part of the statutory obligation.

MR. BRYCE: I have answered that. I have said he can.

MR. SWIFT MACNEILL: Does not the right hon. Gentleman know that under the section of the Act the appointment is considered a Parliamentary appointment, and that the holder of the office is bound to expound from the Treasury Bench the policy of the Department?

MR. BRYCE: The whole House knows perfectly well what the statute is. But I think Sir Horace Plunket's personal engagement to the Government debars him. He has given a most specific undertaking. I did not say that the provisional arrangement will come to an end as soon as the Commission has finished taking evidence. I said when the Commission reported. Before we make any future arrangements for the Department it will clearly be necessary to wait for that Report.

MR. MOONEY: If, as alleged, Sir Horace Plunket is able to get over the duties conferred upon him by statute, is it the intention of the Government to make him a permanent civil servant?

MR. BRYCE: No, Sir, I have never said anything of the kind. The whole matter will be reserved until the Commission reports.

MR. SWIFT MACNEILL rose to ask another Question.

*MR. SPEAKER (interrupting): The Question is beginning to assume the form of a debate. I do not want to interrupt, but it is only fair to other Members who have Questions on the Paper that I should now intervene.

MR. PATRICK O'BRIEN (Kilkenny): Put Sir Horace Plunket into the Expiring Laws Continuance Bill.

Distress in the Bawnboy District.

MR. VINCENT KENNEDY: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will state on what date the Local Government Board inspector last visited the Bawnboy district, in which distress exists, in county Cavan; what length of time did the inspector spend in the locality; how many visitations did the inspector make; what are the names and valuations of the parties called on; what route did the inspector follow; and will this whole matter be immediately reviewed.

MR. BRYCE: In the hon. Member's previous Question of 6th November † he referred to a memorial which had been sent to me, asking for the institution of relief works upon the ground that the potato crop had been a complete failure. The memorial purported to be signed by a large number of ratepayers in the Bawnboy and Ballyconnell districts. The Local Government Board's inspector visited the Bawnboy district on 14th November for the purpose of making inquiries concerning this memorial. The inspector interviewed some of the well-to-do farmers whose names were attached to the memorial, and they denied all knowledge of it. He did not keep a record of the exact time occupied, or of the number of visits he paid, or of the names of those visited. He satisfied himself, however, that the memorial did not issue from the persons whose names were appended to it. All the signatures were in the same handwriting. I have already stated that though the potato crop in Longford is somewhat under the average, the Local Government Board have not found reason to fear that the condition of the people will be seriously

affected by it. They add that since the famine of 1847 there has never been acute distress in either the Bawnboy or the Ballyconnell electoral division.

MR. VINCENT KENNEDY: Did an inspection take place?

MR. BRYCE: Yes.

MR. VINCENT KENNEDY: Then why did not the inspector think it worth while to visit the gentlemen who called attention to this matter in the first instance?

MR. BRYCE: I cannot say, but I do know he has made a full and exhaustive inquiry.

Boycotting in Galway.

CAPTAIN CRAIG (Down, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland how many persons there are in the East Riding of Galway at the present time, according to police returns, in any way interfered with in the exercise of their legal rights, including cases of total boycotting and partial boycotting.

MR. BRYCE: I am informed by the police authorities that there is at present in the East Riding of Galway no case of total boycotting; but there are thirteen cases of partial boycotting. The police are affording all necessary protection in these cases.

Transfer of Police from Loughrea.

CAPTAIN CRAIG: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether any members of the Royal Irish Constabulary have been transferred from Loughrea since the date of Sir Antony MacDonnell's visit in connection with the Ward affair; if so, whether such transfer was part of the terms made; can he state whether they were transferred at their own expense; where are they now; did the suggestion to transfer them originate with the county inspector or district inspector or an official at Dublin Castle; and can he state why they were transferred.

MR. BRYCE: I am informed by the Inspector-General of the Royal Irish Constabulary that since June last, the date referred to in the Question, eleven

† See (4) *Debates*, clxiv., 344.

members of the force have been transferred from Loughrea. Two of these transfers were made on the application of the men concerned, and were, in accordance with the practice in such cases, carried out at the expense of the men. The other transfers were carried out at public expense. One of the men was transferred to county Dublin; one to county Kildare; one to county Sligo; and one to county Roscommon. In the remaining seven cases the men were transferred to different stations in the East Riding of Galway. With the exception of the cases of the two men transferred on their own application, all the transfers were made on the recommendation of the local officers, and solely to meet the exigencies and requirements of the service, and for no other reason. I do not know what is meant by the inquiry whether such transfer was part of the terms made; but I wish to repudiate in the strongest possible manner, as I have already done on several occasions, the suggestion that any terms whatever were made on the occasion referred to. I may add that the Under-Secretary was in no way concerned in these transfers, which were carried out without his knowledge by the Inspector General.

Donagh Evicted Tenants.

MR. O'HARE (Monaghan, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that a tenant farmer, named James M'Kenna, Tonnyssilligo, in the parish of Donagh, barony of Trough, Monaghan, whose rent was raised at the expiration of his lease from £5 10s. to £9 by his landlord, the Earl of Dartrey, and who was subsequently evicted from his farm, made application three years ago to the Estates Commissioners for reinstatement, but has not as yet received any reply; and will he endeavour to ascertain why no answer was sent.

MR. BRYCE: The Estates Commissioners inform me that they have received the application in question, and have referred it with others to the inspector of the district for inquiry. The inspector's report has not yet been received, and in the meantime the Commissioners have no knowledge of the facts of the case.

MR. O'HARE: What amount of time is required to investigate a simple matter

of this kind? Are the Commissioners discharging their duties properly when these delays occur?

MR. BRYCE: The Commissioners have a large number of cases to deal with and are disposing of them as quickly as they can. Additional inspectors have lately been appointed to assist them.

MR. O'HARE: How long are we to wait in this unfortunate case?

MR. BRYCE: I cannot say. I hope not long.

MR. O'HARE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that on 31st March, 1887, twelve tenants in the parish of Donagh, in the barony of Trough, Monaghan, were evicted from their holdings by the Earl of Dartrey; that since then these twelve evicted tenants have acted as caretakers or future tenants on those farms; that, whilst deprived of any benefits from recent Land Acts, the Earl of Dartrey wants twenty-six years purchase for the said farms; and will he state what action, if any, the Estates Commissioners are prepared to take to counteract this action on the part of the Earl of Dartrey.

MR. BRYCE: The Estates Commissioners inform me that they have not received any applications from persons who claim to have been evicted from the estate in question in the year 1887. They have, however, received applications from seven persons who allege that they were evicted from the estate in various years, ranging from 1881 to 1903. These applications will be inquired into in due course. No proceedings for the sale of the estate have yet been instituted before the Commissioners; but if the estate should come before them to be dealt with the cases of any tenants who may have refused to purchase will be inquired into, and the reasons for such refusal investigated.

Athenry Outrage.

CAPTAIN CRAIG: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that on the night of Tuesday, 20th November last, three men were attacked close to the town of Athenry, and one of them,

a labouring man, seriously injured; will he say whether any arrests have been made in connection with the case; whether any extra police are stationed in the district; and, if so, how many.

MR. BRYCE: I am informed by the police authorities that on the night in question two tradesmen named McHugh, with their labouring man, were attacked by four men near Athenry, and the labourer received serious injury to his eye. These tradesmen had obtained a contract for plastering which others were anxious to get. No arrests have been made, as the persons assaulted were unable to identify their assailants. Twenty-five extra police are stationed in the Athenry district, and a police patrol passed a short time before the assault.

Dundrum National School.

CAPTAIN CRAIG: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that no grant whatever is made by the National Board or any other Government Department towards heating Downshire national school, Dundrum, county Down, or other national schools in Ireland, but that the cost of heating has to be defrayed by the teachers out of their salaries or by raising money by voluntary subscription; and whether, in view of the climatic conditions prevailing in Ireland, he will take immediate steps to remedy this state of affairs.

MR. BRYCE: I am informed that the fact is as stated in the first part of the Question. I understand that the fuel used in national schools generally takes the form of turf which is provided by the pupils, with occasional help from the teacher or manager. I should be glad to see proper fires in these schools, but the Commissioners of National Education have estimated that the cost would amount to about £24,000 a year. In England and Scotland the cost is not borne by the State. The whole question of expenditure upon national schools is now under consideration.

CAPTAIN CRAIG: Will the right hon. Gentleman sympathetically consider the advisability of making some other

arrangement so that the schools may be warmed in wintry weather?

MR. BRYCE: I should be very glad to, but the matter also requires sympathetic consideration from the National Board.

Lord Hope's Monaghan Estate.

CAPTAIN CRAIG: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that at a hearing of a summons for recovery of possession of a small tenement in Castleblaney, Lord Hope's estate, county Monaghan, under 14 and 15 Vic., cap. 92, sec. 15, at petty sessions in Castleblaney on the 27th November last, a warrant was issued by the magistrates for possession; that, on the order being made by the magistrates, the Royal Irish Constabulary, by their district inspector and sergeant, strongly opposed the warrant being directed to the police for execution, and asked that the warrant be issued to a special bailiff; that, being pressed, the constabulary declined to give their authority from the Government for departing from what has been the ordinary practice for the past fifty years, though asked to do so by the bench of magistrates, on the grounds that their instructions were confidential; and will he explain why these instructions were given to the constabulary.

MR. BRYCE: I am informed by the police authorities that the facts are substantially as stated in the Question. Under the Act quoted, the magistrates may address the warrant for possession either to a special bailiff or to the police; and, in accordance with the long standing practice, the district inspector requested the magistrates to address the warrant in this particular case to a special bailiff, adding that the constabulary would afford all necessary protection to the bailiff so appointed. The magistrates complied with the request of the district inspector, and addressed the warrant to a special bailiff.

CAPTAIN CRAIG: Why did the constabulary decline to give their authority when asked?

MR. BRYCE: It is not the practice to do so.

Sir Henry Burke's Loughrea Estate.

MR. DUFFY (Galway, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the grazing lands of Traskernagh and Grallagh, on the estate of Sir Henry Burke, near Loughrea, have been purchased by the Commissioners in the interests of the tenants; and if he will state when the lands will be dealt with by the Land Commission inspectors.

MR. BRYCE: I beg to refer the hon. Member to my Answer to his Question on this subject on 1st November.† As I then stated, the Estate Commissioners' inspector is preparing a scheme for the division of the untenanted lands which the vendor has expressed his willingness to sell. The Commissioners have not yet received the inspector's Report.

Major Hall's Athenry Estate.

MR. DUFFY: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether agreements to purchase were signed on the 4th May, 1905, by the tenants on the property of Major Hall, Newcastle, Athenry, county Galway, whether these agreements were signed conditionally on the Estates Commissioners purchasing the untenanted land on the estate in the interests of the tenants; and whether he will state what steps, if any, have been taken to acquire the untenanted land.

MR. BRYCE: The Estates Commissioners inform me that they are considering the question of purchasing the estate referred to under Section 6 of the Act. They have had a preliminary inspection made of portion of the untenanted land, and have furnished to the vendor an estimate of the price which they are prepared to give for it. No undertakings to purchase by the tenants have yet been lodged; but the whole of the estate is now being inspected, including the remainder of the untenanted land.

The O'Donoghue Estate, Kerry.

MR. MURPHY: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can state in what position the proceedings for the sale of the O'Donoghue Estate, county Kerry, now

are; and when will the Estates Commissioners be in a position to send an inspector to see the lands.

MR. BRYCE: The Estates Commissioners inform me that the agreements for purchase in respect of the estate of the O'Donoghue were lodged in January, 1906. The estate will be inspected in its order of priority; but the Commissioners do not anticipate that the case will be reached for some considerable time.

Earl of Dunraven's Limerick Estate.

MR. LUNDON (Limerick, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland can he say whether in the sale of the estate of the Earl of Dunraven to his tenants around Adare and Croom, county Limerick, the case of Mr. George Spearing, of Beabus, has yet, as promised some time ago, been inquired into; and will the Estates Commissioners send an inspector to report on the treatment to which Mr. Spearing has been subjected so that he may be able to purchase with the other tenants.

MR. BRYCE: The Estates Commissioners inform me that the holding of the tenant referred to in the Question was duly inspected on their behalf, and the purchase money was fixed at £842. The tenant, however, refused to sign an undertaking to purchase at that price, and his case with others is at present under the Commissioners' consideration with the object of determining whether these tenants should not be brought into the sale under Section 19 of the Act.

Irish Agricultural Organisation Society.

MR. FLYNN (Cork, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that at a recent meeting of the Advisory Committee of the Department of Agriculture and Technical Instruction members of the committee, nominated or otherwise, were called upon to vote in connection with the granting of a sum of £3,000 to an independent trading concern called the Irish Agricultural Organisation Society; is he aware that some of those members who voted in favour of it had a direct personal and pecuniary interest in obtaining the grant, and that the Vice-President, Sir Horace Plunkett, made no protest against their action; and whether

† See (4) *Debates* cxliii, 1345.

he will communicate the views of the Government concerning this allocation of public funds to the Vice-President of the Department.

MR. BRYCE: The Department of Agriculture understand that by the "Advisory Committee of the Department" is meant the Council of Agriculture, and that the vote referred to is that given at the recent meeting of the council recommending that the Department should promote agricultural organisation through the agency of the Irish Agricultural Organisation Society, which, it should be pointed out, is not a trading body. The members of the council present at the conclusion of the discussion on this subject, both elected and nominated—seventy-seven in number—exercised their right to vote on the question. The Department are not aware that any members of the council have a pecuniary interest in the matter, except perhaps in the case of one nominated member of the council, Mr. Anderson, the Secretary of the Irish Agricultural Organisation Society. Even if no nominated member had voted, there would still, I am informed, have been a majority in favour of the vote which was carried. As I have already stated, the legality of these payments to the Irish Agricultural Organisation Society is being considered by the law officers.

Irish School Grants.

MR. DILLON: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the fact that the Commissioners of National Education are precluded from applying for grants in many urgent cases where schools are required, because the scale of accommodation and the Estimates on which grants can be made have not yet been fixed by the Treasury; and whether he will press this consideration on the attention of the Treasury and represent to that Department that until they have settled the new plans their permission to the Board to report urgent cases is to a large extent illusory.

MR. BRYCE: I am aware that the Commissioners of National Education consider that it is not desirable to avail themselves of the permission to represent specially urgent cases for consideration and for individual decision on the

points of plans, floorspace per scholar, and the rate of grant; but prefer to await the settlement of these points as regards all future cases. The Treasury are already fully apprised of my view that it is most desirable that these questions should be finally disposed of at the earliest possible moment, so that the building of school houses, which has been interrupted for a considerable time, may be resumed forthwith. Correspondence on the subject is passing between the Irish Government and the Treasury.

The Late Colonel Saunderson's Cavan Estate.

MR. VINCENT KENNEDY: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will say if negotiations are pending for the sale of the estate of the late Colonel Saunderson in county Cavan; how many evicted tenants have claimed to be reinstated on this estate; what quantity of untenanted land will be available; and will the Commissioners see that after the reinstatement of the evicted tenants the balance of the untenanted lands will be given to those holders of uneconomic farms on the estate.

MR. BRYCE: The Estates Commissioners inform me that no proceedings in respect of the sale of the estate referred to in the Question appear to be pending before them. In the event of the untenanted land on the estate being dealt with by the Commissioners, the claims of the evicted tenants and tenants of uneconomic holdings on the estate will be considered.

The House of Lords.

MR. CROOKS (Woolwich): I beg to ask the First Commissioner of Works a Question of which I have given him private notice, whether it is the fact that during the course of the discussion on the Merchant Shipping Act Amendment Bill last night, attendants of the House of Lords had to remove one of the Members who was obviously intoxicated, and that another Member who took part in the debate was suffering from indulgence in drink.

*MR. SPEAKER: The hon. Member has not submitted the Question to me. It does not appear to me to come within the rules of urgency in any way.

BUSINESS OF THE HOUSE.

MR. A. J. BALFOUR (City of London): Has the Prime Minister, or in his absence the Chancellor of the Exchequer, any statement to make about the course of business?

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fifeshire, E.) said that if the education debate could be concluded that night—he did not know whether that was possible or not—they should take to-morrow the Third Reading of the Workmen's Compensation Bill; and, secondly, the Report, and possibly the Third Reading of the Education (Provision of Meals) Bill.

NEW BILL.

SPURIOUS SPORTS BILL.

"To amend The Wild Animals in Captivity Protection Act, 1900," presented by Sir Howard Vincent; supported by Sir William Brampton Gurdon and Sir Frederick Benbury; to be read a second time upon Monday next, and to be printed. [Bill 368.]

EDUCATION (ENGLAND AND WALES) BILL.

Order read, for resuming adjourned debate on Question proposed [11th December] on consideration of Lords' Amendments, "That this House doth disagree with the Lords in the said Amendments."—(*Mr. Lough.*)

Question again proposed.

*DR. MACNAMARA (Camberwell, N.) said this Motion, though very drastic, was the only possible Motion in the circumstances. Here they were with the biggest Parliamentary majority of modern times. They had been charged to set up popular control and remove tests for teachers. The Government had set to work and prepared a Bill, and he thought he might say that this Bill showed greater solicitude for denominationalists than was ever likely to be shown again. They had spent forty-nine Parliamentary days on the Bill, read it a first time without a division, a second time by 410 votes to 204, and a third time by 369 votes to 177. It went to the House of Lords

backed by the largest Parliamentary majorities since the Reform Bill of 1832. It was read a first and second time in the House of Lords without a division, which, he had thought, in his own simple-minded fashion, meant that noble Lords had adopted its main principle. That opinion was supported by one or two remarkable utterances made by representative Peers on the eve of going into Committee. Lord Lansdowne on 14th October, at Nottingham, said—

"It should be clearly understood that the Unionist Party did not object to popular control, and that they did not wish to impose religious tests upon teachers, and that they certainly were not engaged in an attempt to run church against chapel."

On hearing that he thought, in the curt and apt phrase of the comic song, "Now we shan't be long," for that was their Bill. Lord St. Aldwyn four days after said practically the same thing, with greater emphasis on the undesirableness of imposing tests for teachers. The most rev. Primate went into Committee, on 25th October, with these words on his lips—

"The Amendments I shall either propose or support are not in any sense what can be called wrecking Amendments of a mischievous kind."

Everybody knew what had happened since. He confessed he had a touch of sympathy with the Lords; for ten years they had had nothing to do but cry "Content" and go home, and, therefore, they fell on this big Bill—their first chance—with horse, foot, and artillery. In ten years the Tory Party sent up to the House of Lords ten great Conservative measures, including the Education Bill of 1902, the Irish Land Bill of 1903, and the Licensing Bill of 1904; and the House of Lords devoted fifteen days in Committee to the whole of the ten Bills. That was precisely the time they spent on the first measure the present Government sent them. The circumstance was an illumination and a portent. The Lords had made this Bill a hopeless tangle of administrative impossibility, the Board of Education could not administer it, and the local authorities would not if they could. His right hon. friend had pointed out that the Lords had either destroyed or crippled the discretion and power of the great local education authorities. The Leader of the Opposition said, "Quite so, but what the Lords have taken away from the local authorities

they have given to the parents." He confessed he was a little amused when he heard that, because he remembered that in 1902 his hon. friend the Member for East Mayo moved an Amendment proposing that of the six managers in every denominational school two should be parents. But the right hon. Gentleman opposite, who was now the particular friend of the parents, would not look at it. "By their fruits ye shall know them." But was it true that the Lords had taken away from the local authority to give to the parents? Take the case of Clause 6; their own clause. That clause said to the parent, "You can please yourself, you shall be the arbiter whether you send your child to the school during the time of religious instruction or not, that is a matter for parental discretion." What happened to the clause? The Lords said to the parent, "You shall send your child, whether you like it or not, at the time of religious instruction." That might be right or wrong, but what became of the inalienable right of the parent? In his long and rather bitter experience on the London School Board he had received petition after petition—honest, not bogus petitions—from parents asking for a board school, and these were always bitterly opposed by the Church and Tory Party on the school board, who now posed as the particular friends of the parents. Whenever he heard hon. Gentlemen opposite advocating the claim of the parents he picked up a fascinating little book on biographies called "Dod's Parliamentary Companion," and found almost without exception either that they were not parents themselves or that they would not under any conceivable circumstances send their child to a public elementary school. The Party opposite was making a cat's-paw of the parent. Lord Heneage's Amendment—[OPPOSITION cheers]—he observed that the right hon. Gentleman the Leader of the Opposition and hon. Members behind him cheered very stoutly that Amendment—was designed plausibly enough for the permanence of religious teaching in the schools of the country; but if he was any judge it would make for quite the contrary, by the irritation and controversy which would follow its imposition. This matter was threshed out in the long debates of 1870, and Parliament decided to leave the question to the local authority. Did the right hon. Gentleman in 1902

put in any Heneage Amendment? No, he left the law as he found it, because at that time one of his pet phrases was, "Trust the local authority." All over the country, clergymen, Nonconformist Ministers, and Roman Catholic priests sat down together in the most amicable way—as they always did when the platform squabbles were over—and devised the most admirable schemes under which religious teaching was to be given day after day in the board schools to the satisfaction of everybody. In advocating the Heneage Amendment in another place, the most rev. Primate the Archbishop of Canterbury quoted from a Return, which was incomplete and which seemed to have been badly summarised by the National Society, to show that there were sixty-eight local education authorities out of 300 who issued no regulations with regard to religious teaching in the schools. The statement might probably be literally correct; but the inference drawn from it was grossly misleading. The fact was that the bulk of these authorities came into existence in 1902, and gave a formal endorsement to the policy of the school boards they supplanted. In most of the schools they gave religious teaching, and in practically all the others the day was commenced with a religious service. The Minister for Education, when he questioned the right hon. Gentleman, said that, so far as the Board of Education could make out, they thought that the return was so incomplete that it was only nine authorities, and not sixty-eight, that had neither religious instruction nor observances. That was a very serious drop; but even in the case of these nine local authorities the inference drawn was grossly misleading. He had gone into this matter very closely, and he had received official or other letters from all these authorities, except one, to say that they had formally carried on the regulations of the school boards they succeeded, and that in the bulk of these schools there was religious instruction or religious observances. The nine places were Hyde, Glos sop, Rawtenstall, Ebbw Vale, Carmarthen, Cardigan, Brecon, Pembroke, and Denbigh, and from every one of the authorities of those places, save from Hyde, he had received assurances that there were religious observances, and in some cases lessons. In the outstanding case of Hyde it appeared that it never had a

school board, but had eleven schools made up as follows:—one Roman Catholic, four British, four National, one Church, and one Dissenting. Then he would take the case of Ebbw Vale, which was described as one of the godless board schools. Here was the syllabus of that godless school—

“BOYS—STANDARD I.

(Ages about seven.)

Memory Work.

- (1) The Lord's Prayer.
- (2) The Ten Commandments.
- (3) Duty towards God.
- (4) Duty towards Neighbour.
- (5) St. Matthew's Gospel, chap. v. (portions of).
- (6) St. John's Gospel, chap. x. (1 to 18).
- (7) Psalms I., xxiii., and xcii.

Reading or Oral.

- (1) Life of Joseph.
- (2) Life of Samuel.”

It must be remembered that this was not a preparatory school for a theological college, but was a godless board school. The Archbishop of Canterbury was quite ill-informed, because of course the Primate would not make a statement which he did not think was correct, when he referred to the case of Huddersfield, which had been brought forward both in this House and in the House of Lords, in terms of reproof and even of contumely, as favouring secular education. When his hon. friend the Member for St. Alban's spoke of Huddersfield he could scarcely contain himself, because twenty years ago he was an assistant teacher in one of the Huddersfield Board schools. From 9 to 9-15 the children were gathered together as one family; they sang a hymn, the teacher read a Bible lesson and the Lord's Prayer was recited, and then the children went to their classes and entered upon their work; this was said to be a Godless Board school! A fortnight ago he took occasion to attend this service at one of the Huddersfield Board schools [An HON. MEMBER: You did not go to Huddersfield for that purpose.] No, that was true. He went down to help in a by-election; perhaps the fact that he commenced the day by attending this service, helped to secure a blessing upon their efforts. He did not want to treat this subject with anything like levity however, and he hoped he was

not doing so. In the Huddersfield schools every scholar had a hymn-book, but he had never been in a Church school where that was the case. He read that the Bishop of London had said that the Lords in amending the Education Bill were doing God's work. He hoped the right rev. Prelate did not say that, but whether the Lords were doing God's work or not it was being done in these Godless Huddersfield Board schools. Under the Heneage Amendment half an hour was to be given to religious instruction each day. Huddersfield had fought this question out at several elections; they had got the sanction of the ratepayers—the parents—and Huddersfield would not do it. Was Huddersfield to be coerced by a *mandamus*? They saw what had happened in Wales when a *mandamus* was tried in a financial matter. It was impossible to contemplate a *mandamus* in respect of religion. The Heneage Amendment was one of two things. Either it was shameless make-believe or it was an endeavour to coerce the local authorities, and ought to be struck out of the Bill in the name of common honesty and straightforward dealing and in the interests of educational harmony and peace. In support of the Lords' Amendment providing that the teachers in the ordinary Clause 3 transferred schools should be allowed to give religious teaching, the Archbishop of Canterbury stated that vast numbers of teachers had deliberately remained in denominational schools at lower salaries than they could have obtained in other schools, in order that they might have the privilege of giving the religious teaching. He also said—

“I speak with intimate knowledge of them, and it is absolutely certain that no small number of them would never have entered the profession but for their firm confidence that they could pursue it on the lines on which they had entered it.”

They must have formed their religious views pretty early, as many of them entered the profession at the age of thirteen or fourteen. According to a well-known dictum they really ought to have died young, they were so good. The teachers told him something different, for they told him they wanted to be public servants as soon as possible, to be free from clerical domination, and any other domination except the proper control of those appointed by the ratepayers to

look after their work. The Archbishop of Canterbury further said that if the teacher were not allowed to volunteer to give the religious instruction, it was a mockery to say that anybody else could be got to give it. Therefore, care would be taken that on the appointment the teacher did volunteer to give religious instruction. He was for the abolition of religious tests as far as possible, and this volunteering, which, in the first instance, would mean invitation, then persuasion, then compulsion, and then in some cases persecution, would amount to a religious test. He was rather surprised that Lord Salisbury should have brought his Amendment, providing for the right of entry into all schools, before the House of Lords. The Leader of the Opposition would remember Clause 27 of his Bill of 1896. That was the right of entry. The country would not have it at any price, and the right hon. Gentleman knew it. In 1902 Lord Hugh Cecil moved the same thing, and the right hon. Gentleman, then the Leader of the House, could not look at it; it was not practicable or possible at that juncture. Lord Londonderry, in charge of the then Government Bill in the House of Lords, said the same thing. The noble Lord the Member for East Marylebone tried it this year, but the House would not look at it. Bearing all this in mind, it was a little audacious of Lord Salisbury to try this on again. He was a little tired of the brothers Cecil on the education of the working-man's child. He wondered what would happen if the working-men turned the tables and made a few remarks on the education of the children of the brothers Cecil. All the revolutionary changes in the Bill furnished ample justification for this Motion. He would go a long way—a very long way—if he could get a settlement of this question. He rather fancied he should have to, not only for the sake of peace but for the sake of educational progress. There were too many good things in this Bill to lose. Clause 1 put every school under full public control, made the teacher a public servant, and set our faces towards a nationalised and unified system. Then there was medical inspection and treatment of the unhappy little scraps of humanity in the slums of the great cities, the greatest reform of the last thirty years. He would pay a long price to save these things. On Clause 4 he

regarded the difference between four-fifths and three-fourths as perfectly trifling [MINISTERIAL cries of "No"], at all events there was nothing substantial in it. The parents' committee, however, was a tall order. Then there came the proposal that the teacher under Clause 3 should become a denominational volunteer. In the modifications adumbrated by the President of the Board of Education, the right hon. Gentleman was asking them to pay a very heavy fine. He had some hesitancy in going with him in giving away the teacher, but if the right hon. Gentleman felt it necessary to do that he hoped he would take care to provide all due safeguards. A great many people had suggested that the Lords would not look at these proposals. He thought that they would jump at them. They would make a very good bargain. The Ministerial supporters were paying a very long price. He was absolutely prepared to pay it. He wanted to get on, and he therefore looked with some confidence to the acceptance of the Amendments by the Lords, and the securing of a settlement which would be honourable to all parties, and of lasting benefit to the children of this country.

MR. DILLON (Mayo, E.) thought one of the most interesting incidents in the debate was the intervention of the noble Lord the Member for the Chichester Division of Sussex, who claimed to speak for the Catholics of England. They all recognised the zeal and sincerity of the noble Lord and his noble relative, the Duke of Norfolk, but their political skill, sagacity, and foresight were a wholly different matter. They spoke only for a small number of Catholics, who were least concerned in this matter; but the Irish Nationalist Party claimed to speak with the fullest possible authority for the toiling millions who were really concerned, whose money had gone to build their schools. The difference between them was not one as to details, but a radical difference as to policy. The noble Lord desired to wreck the Bill, and to trust to the fortunes of war which must inevitably follow. They, on the other hand, desired to save the Bill if they could. He dissociated himself from the unjust, cruel, and utterly foundationless attacks made on the Minister for Education in the course of

this debate. In him they recognised a sincere friend of the Catholic schools, who understood their point of view, sympathised with them, and in the midst of great difficulties had, as he believed, done his best to meet them. Let him examine the position of the Duke of Norfolk and the noble Lord. They were for war. They were not satisfied with the Bill as sent up to the House of Lords. Nay, they were not satisfied with the Bill as modified by the House of Lords. Their policy was to reject all the Lords' Amendments and then to declare war. They showed that by voting against the Third Reading, and even in the House of Lords the great authority and position of the Duke of Norfolk only succeeded in persuading twenty-nine peers to follow him into the lobby. They proposed to force upon England a Bill more denominational than that which had been sent down to them by the Peers, and they proposed to do this although they could only get twenty-nine Peers to support them. And how did they propose to do it? By breaking the law. The noble Lord had quoted and endorsed a remarkable speech by the Catholic Bishop of Liverpool. His programme was this—against the verdict of the country and of the House of Lords, with only twenty-nine Peers to support him, he was going to coerce the Protestant majority of England by infraction of the law of England to pass a Bill more denominational than the Peers would insist upon passing. It was a large order.

LORD EDMUND TALBOT: I fully endorsed the quotation, and I warned the Government that if non-Catholic teachers are appointed in Catholic schools Catholic children will not go to those schools.

MR. DILLON said that was not the point at all. He repeated that the noble Lord and his brother were pledged to the statement that the Bill as now amended with the parents' committee, and all those securities which the Lords had put into it, did not satisfy them, and therefore he was entitled to say that the programme of the noble Lord and his brother, the only programme they had to offer them, was to impose their claims upon the people of England by defiance

of the law with twenty-nine Peers at their back. Let not the noble Lord imagine for a moment that he (Mr. Dillon) would not say that under desperate and dark circumstances, for conscience sake he could not conceive a condition of things in which a small minority might be bound to defy the law. They in Ireland knew something of defying the law and they knew the consequences that followed, and he ventured to tell the noble Lord to-day that if their people in England were driven to those extremes it would not be the noble Lord or his brother who would lead them. It was very easy in this House to talk of defying the law, but it was a very different thing when it came to facing imprisonment for doing it, and he knew where their people would look for guidance or leadership if they were driven to defy the law. If they were forced to such courses as that, they (the Nationalist Party) were not the men who would turn aside from heading their people. They in Ireland had been driven to break the law and suffer for it, but let the House consider this: In Ireland who were the vast population? The laws which they defied and broke were foreign laws, imposed upon them against the will of their people, and when they broke those laws they had the support of the vast majority of their people behind them. He did not say he would not have done it under conceivable circumstances for conscience' sake, but he would have hesitated long before entering upon a course of breaking the law in order to impose the claims of 2,000,000 of people upon a population of 38,000,000. He trusted that the noble Lord when it came to that struggle would be able to mobilise a more formidable force than the twenty-nine Peers who voted against the Bill. The truth was there was a radical difference between Irish Members and the noble Lord and his friends, not on questions of detail, not on questions of principle, as regarded the ultimate object, but on questions of policy. The noble Lord and his relative, the Duke of Norfolk, looked cheerfully to the future. They had a firm belief in the ultimate triumph of reactionary forces in this country. They on those benches had no such belief. They were democrats—they were Irish Radicals, and they were convinced in their own

Mr. Dillon.

hearts that if under the leadership of the noble Lord the fate of their schools were irrevocably bound up with the cause of reaction, Toryism and the House of Lords, they were doomed. Therefore they were slow to let go the hope that they might establish the future of their schools on some surer foundation than twenty-nine Peers. They sought to establish it on a concordat with the representatives of the majority of the democracy of England, and if they could succeed—and he thought they had made some progress towards it—in effecting a lodgment in the consciences, the good sense, and the liberality of that democracy, they would be able to establish the future of their schools on a far surer foundation. That was the difference which really existed between them and the noble Lord. But if this quarrel were to go on no doubt they would suffer. After all they were only 2,000,000 here in the midst of 38,000,000, and for them to imagine that all they had got to do was to draft their demand and say to the people of England, “Do this,” and they would do it, was to court disaster for their schools. They had to fight their battles according to the position in which they were placed, and it would be madness on their part ever to forget it. Therefore, he had always felt that, if this quarrel between religion and the schools was to come on, there would be the gravest possible danger that the Catholic schools would be completely wiped out of existence in the fury of religious animosity which inevitably arose from such quarrels. But if they suffered—and he believed they would suffer bitterly if this Bill were lost—it would not be alone. The Liberal Party had much to lose. He would quote a passage from a great Liberal journal to-day, and he took their points and adopted them as his own. Speaking of the results which would inevitably follow from the loss of this Bill and the prolongation of the fight, the journal in question said—

“It will mean a prolongation of the present system, already unworkable, with the stimulus of the fierce fires of religious conflict in every town and parish in England. It will mean from north to south, and east to west, the furious warfare of Church against chapel, Catholic against Protestant. It will mean, in a word, the turning of energy and intelligence, not in common

warfare against the common foes of ignorance, poverty, and oppression, but in an internecine struggle in which the great organised religions will tear themselves to pieces over the children of the elementary schools. Social reform will suffer in such a conflict. Educational efficiency will suffer in such a conflict. Above all, the religious life of this people will immeasurably suffer in such a conflict.”

That was the position of the Radical Party if the Bill were passed. The hon. Member for Truro had expressed the opinion that there was no chance for elementary education until secularism was adopted. He would ask the Radicals of England whether they had considered the great advantages that would be given to their enemies the Tory Party if they succeeded in driving the country to secular education. To propose to expel the Bible and the name of God from the schools would be to give the Tory Party the greatest assistance possible, and they were sadly in want of assistance. Did the Radical Members not see that that was what the wrecking party on the opposite side of the House desired to drive them to? Something had been said about what was going on in France. He had not the least intention of expressing his judgment upon what was going on there, but was there not a lesson to be drawn from what was happening in France. He would ask the prelates and leaders of his own Church, was there not a danger that if they linked themselves under the leadership of the noble Lord and the Duke, his brother, what was now going on in Catholic France might be repeated in Protestant England? He would ask the Radical Party in this House to observe how terrible was the tendency to eat up and devour all other questions, how rapid the pace and how sweeping the current when religious passions were let loose. Were they prepared to accept the saying of the French Minister of Public Worship, that the time had come to have done with the Christian idea? It was a terrible struggle, and he trusted that those whose voices were raised in this country might keep them from any danger of following the French example. As to the Lords' Amendments he did not intend to go into detail upon the concessions which had been made. His desire was to save the Bill, if concessions were put into it with regard

to Clause 4 which would make it a reality and protect the Catholic schools. Almost without exception the Radical Members who had spoken in this debate had expressed the rational opinion that Clause 4 was an admitted exception to the Bill, and being an exception it ought to be made a reality. Two courses were open to the Government. They might have left out Clause 4; that would have been perfectly logical, but they decided to put in this exceptional clause, and having done so they ought to make it a reality. That was the policy of the Government and it appeared to be the policy of all those who had spoken for the Radical side of the House. On the question of the three-fourths majority, the noble Lord said that 170 Catholic schools would be excluded, and that was quite true. If, however, the ballot was a fair one, the bulk of the Catholic schools would be included. He had made it his business to make inquiries into this question in the country, and in almost all the large centres of population as well as in some small centres he found that a number of Protestants attended Catholic schools. It would be very hard upon Catholics to have their schools taken from them because Protestants sent their children without any form of compulsion to those schools. Catholic schools were almost altogether built by Catholic money and largely by the money of the extremely poor, and that showed that there was among the parents of the children a real and genuine interest in the schools. Then there was the important point of the alternative accommodation. There again the noble Lord mistook the meaning of what the hon. and learned Member for Waterford had said. What his hon. and learned friend had said was that on the point of the necessity of alternative accommodation it was manifestly unjust that one child or two children should be able to take away a large Catholic school and turn it into a Cowper-Temple school, on the plea that there was no alternative accommodation for those two children. He said that on that point the Government were open to reason, because Lord Crewe had said that the Government were considering the question of requiring the attendance of at least ten

children. That showed a disposition on the part of the Government to meet Catholics. He and his colleagues were always anxious to view every effort made by the Government in a reasonable spirit. It had been said in relation to Clause 4 that it applied to Jews and Catholics only. It was not, however, a special treatment for Catholics alone. It was a provision for Jews and Catholics, and that section of the Church of England which sympathised with the Catholic view as to Cowper-Templeism. The fact was that the Church of England was divided on this question. A large body of the Church of England were content with Cowper-Templeism, whereas he and his co-religionists could not accept it at all. He was glad that the Government were also prepared to consider the question of the parents' committee. He agreed with the hon. Member for North Camberwell that there were provisions in the Bill which it would be a great pity to lose. There was the provision for enlarging and making sanitary unprovided schools and for medical inspection. These provisions were great advances in education. All these things it would be a terrible thing to lose and a great misfortune to the country; but, if Catholic people were forced to the miserable choice of sacrificing all these advantages, of going out into the wilderness, of breaking the law, or of parting with that spiritual faith to which they had clung with such extraordinary fidelity through years of persecution, then they would answer, as they had always answered, in the words of the Gospel, "Man does not live by bread alone." What then was the issue which the House had to divide upon? It was not the issue of the value of the Lords' Amendments, because they knew perfectly well that they could not have those Amendments. The only real issue not only to his colleagues and himself but also to millions of the people who were watching the debate throughout Great Britain was whether it was better for them to aid in wrecking the Bill and trust to the future or to endeavour to secure the passing of the Bill with such Amendments as were indicated in the speech of the hon. and learned Member for Waterford. It was a difficult decision

for them to make, and his advice to the Party with which he was associated would be to be guided in their action by the desire to save the Bill if it could be so amended as to give reasonable protection to Catholic schools, and meet the advances of the Government in a friendly spirit and in the hope that some arrangement might be come to by which the future safety of Catholic schools would depend, not upon the twenty-nine Peers who followed the Duke of Norfolk into the lobby against the Third Reading, but upon the friendship, good faith, and toleration of the democracy of England.

LORD R. CECIL (Marylebone, E.), referring to the observation of the hon. Member for North Camberwell that he was rather tired of the Cecil family's discussing the education of the children of working men, and his inquiry as to what they would think if working men were to offer an opinion as to the education of the children of the Cecil family, said he supposed the hon. Member referred to the public schools of this country. So far as the education in the public schools was concerned he thought the observations and criticisms of a working man would be exceedingly valuable. The question asked by the hon. Member opened a great field for social reform which he recommended to the Labour Party. He had had the honour of addressing meetings of working men, and he had not noticed that they resented any of the observations he had ventured to make on the subject of education. The hon. Member for East Mayo began his eloquent speech with an interesting disquisition on the policy and propriety of breaking the law. He quite admitted that the hon. Member was entitled to speak on that subject, but he did not know that it was likely to be a question which would be of very great interest to the House at present. On the difference between the noble Lord the Member for Chichester and the hon. Member for East Mayo on the question of tactics in relation to Roman Catholics he did not presume to offer an opinion. The members of the Irish Party had a difficult part to play in this controversy. They had to consider the interest of Catholic education—as he was sure they did

sincerely—but also a variety of political questions which necessarily and properly affected their judgment in the matter. They had a number of political interests which they hoped to advance through the Party opposite, and it would be most injudicious of them to take in the controversy any action they could possibly avoid which would imperil those interests. Whether they were better exponents of the opinions of the Catholics of this country than gentlemen who had not such difficulties to contend with, it was not for him to say. They had been told by the hon. Member that Clause 4 was equally intended for the Church of England and Roman Catholics, but he forgot that the Chancellor of the Exchequer stated on the Second Reading that Clause 4 was put in for the benefit of Roman Catholics, and that it was so was perfectly evident from the restrictions in the clause. The effect which the restrictions would have showed that the whole object of the Government had been to make the clause apply to as many Catholic schools as they could and to as few schools of the Church of England as they could consistently with that object. He passed now to the main topic of the Resolution. It was said that they must reject the whole of the Lords' Amendments on two main grounds, viz., that they imposed additional tests on teachers, and interfered with public control. He called attention to the fact that there was only one provision in the Bill as originally brought in which directly dealt with tests for teachers. That remained in the Bill unaltered. It was contained in sub-section (2) of Clause 8 in the white paper. The words were—

“A teacher seeking employment or employed in a public elementary school (otherwise than as a teacher of religious subjects only) shall not be required as part of his duties as teacher to give any religious instruction, but he may give such instruction if he is willing to do so, and shall not be required as a condition of his appointment to subscribe to any religious creed, or to attend or abstain from attending any Sunday school or place of religious worship.”

He agreed with the Minister of Education that that was only the expression of an ideal. It was impossible to carry that out if it meant that they were to make no inquiry into the religious opinions of teachers appointed unless they also said

that the teachers were under no circumstances to give religious instruction at all. It was not a question of the kind of religious instruction the teachers were to give whatever. The appointing authority would have to satisfy themselves that the teacher was capable of giving the religious teaching. Hon. Members deceived themselves on this question of tests for teachers. It was perfectly right to enact that no real test in the proper sense of the term should be imposed on the teacher. That was one thing, but it was also perfectly improper and ridiculous to say that no inquiries were to be made into the belief and capacity of the teachers if they were to be entrusted with giving religious instruction. Unless they said that the teachers in all schools were not to give religious teaching they would have the principle of tests introduced. To say that what the House of Lords had done in this matter was an infringement of one of the mandates which the people of the country had given to the Liberal majority appeared to him to be little better than an absurdity. It seemed to him that they had at least extended the principle which was already found in the Bill and made it consistent and logical throughout. As to the question of popular control, he reminded hon. Members opposite of what was the meaning of that term at the last election. Popular control was said to be opposed strongly to the provisions for the management of schools sanctioned by the Act of 1902. That was what the controversy was about at the last election. Were the Government going to change the system of management and control of religious instruction adopted by the Act of 1902 or were they going to modify it? The system of the Act of 1902 was that four out of six managers should represent the owners of the school. It was said, and said apparently with the approval of the electorate, that it was not right for public money to be expended by four managers who represented the owners of the school. One hon. Member had stated that the Bill was brought in to alter that arrangement. The Government said that the only popular control admissible was the control of the local education authority. In his judgment the control of the local education authority was a very indirect

Lord R. Cecil.

form of popular control. In a very large number of cases the local education authority sat in distant county towns and had no direct knowledge of the localities except through one or two members who might or might not be in regular attendance. It was not popular control by the people affected, and that was recognised by the Government themselves, because they provided in their own Bill a system of delegation which would bring into closer touch the local education authority and the schools to be controlled. That was made compulsory on the local education authority. It was abundantly clear that nothing the House of Lords had done had infringed the principle of popular control. Apart from Clause 6, what the House of Lords had done was to say that in certain particulars the parent should be entitled to modify the control exercised by the local education authority. They had carried out to a greater extent than in the original Bill the principle originally in Clause 4 and applied it to some extent to Clause 3. They had said that the parents of the children attending the schools should be entitled to a voice, not in the general management of the schools, but in reference to the religious education. That was not infringing the principle of popular control. It was said that they ought to trust the local education authorities. After what had occurred at Swansea he should regard that suggestion much as a criminal would regard the suggestion that he should trust the executioner. There was not the slightest doubt that the local education authority assisted by one member of the Government had done their utmost to starve out of existence the voluntary schools in Swansea. When they were asked to trust the local education authorities they were entitled to ask, Which local authorities do you mean? He would take what was said by the hon. Member for the Middleton Division, who was the representative of a local authority. His ideal of education was what he called the cynic ideal, when he regarded all denominational teaching, which some of them thought was the essential thing in the education of children, as a regretful excrescence which should be removed as soon as it could be conveniently done. When they were asked to trust the

local education authority, he said, "We respectfully ask you to look at what the local education authority has done at Swansea and other places, and we say we would rather not." It was all very well to sneer at the Opposition who insisted that they must trust the parents instead of the local authority, and to say that the Opposition had just discovered this necessity for trusting the parents and distrusting the local authority. He did not understand the importance which seemed to be attached in some parts of the House to the *tu quoque* argument. It did not matter a straw as to what had been said on previous occasions. The question was whether what they were now saying was right. He maintained that the principle that the parents should settle what religious education should be given to their children was the right one. The hon. Member for North Camberwell had said that they were trying to make a cat's paw of the parents, and the hon. Member for Truro had stated that the parents would be deluded and bribed into giving consent to certain religious teaching. He did not know that when parents were acting in that way they were being bribed and deluded; but perhaps hon. Members opposite might know better. That was all he desired to say as to popular control. If it were untrue, as he ventured to think it was, that the Lords' Amendments infringed the principle of no tests for teachers and the universality of popular control, what did the Lords' Amendments really do? In the first place, they made it certain that every child should have the opportunity of receiving some religious teaching. The hon. Member for North Camberwell had said that practically every child under the existing system had an opportunity of receiving religious instruction. As to that, he would like to look more closely into the facts before pronouncing an opinion of the subject. But the hon. Member had stated, in the second place, that if this Amendment of the Lords were placed on the Statute-book the local education authority would instantly deprive the children of any religious education at all. Was that an argument to put before the House of Commons? Parliament imposed on the local authorities all

sorts of duties in regards to sanitation, the provision of water, roads, etc.; but even the most touchy of them had never declined to carry out those duties because they were made compulsory. That argument was one of the last straws which people caught at when they had nothing to say against a proposal which had been made. He thought that the danger was not so remote as some people imagined of depriving the children of religious teaching. The example of France had been held up to them, and the hon. Member opposite who did so said that that example would be followed in this country. He believed that the hon. Member was a Nonconformist and a professor of New Testament theology, and he said that this would become a question between the people of this country and the ecclesiastics. The question in France was a very large question; but it was not a question between the State and the ecclesiastics, but between the State and Christianity. [Cries of "No."] Oh, yes. It was so, and had been avowed by M. Briand, the Minister of Public Instruction, in a speech which had been posted in every town and commune in France by a preponderating vote of the Chamber. That statesman had said, in so many words, that his object was to destroy the Christian ideals. He was willing to admit that the hon. Member spoke by inadvertence when he quoted the example of France. But the danger existed in certain districts of this country that the local authority might sweep away from the schools Christianity altogether. Therefore, he maintained that the House of Lords did not do anything extravagant when they secured that some religious teaching should be offered to every child in our elementary schools. Although the House of Lords had by their Amendments given a voice to the parents as to what religious instruction was to be given, in his judgment they had not gone nearly far enough. He had said so outside the House and repeated it now. He thought that it would be right to give the parents the controlling voice, not only on religious instruction, but in other branches of the education of their children. He believed that the tyranny of the local education authorities and of the town clerks was a tyranny that the people of this

country would not indefinitely submit to. All that he and his friends wanted now, however, was that parents should have some voice in the religious education of their children; and surely that was not against the principle of the Bill; but if it were, the sooner the principle of the Bill was altered the better. The Government proposed that the Lords should take back the whole of their Amendments on which they had spent a great deal of time; re-draft them; strike out a great number of them; and then send the Bill so altered down for the consideration of this House to see whether this House would accept the new Amendments or not. He could not understand how any self-respecting body of men could be expected to do so. What security would the Lords have that their re-drafted Amendments would be treated with any more respect than the present Amendments and that their rejection would not be moved? He did not wish to attack the Minister for Education, but any one who had sat through these debates knew quite well that the right hon. Gentleman held out strong hopes that changes would be made on Clause 4, but the hon. Member for the Louth Division of Lincolnshire got up and thereupon excommunicated the right hon. Gentleman for offering to make these concessions.

MR. BIRRELL said that he did not remember more than one occasion on which a concession was asked for.

LORD R. CECIL said that one occasion was quite enough for him.

MR. BIRRELL said that he did not give way on that occasion.

LORD R. CECIL said that at any rate they were led to believe that many changes of importance would be made in considering Clause 4; but when they got to Clause 4 none of those changes were in fact made. What security, then, would the House of Lords have if they were, in obedience to the right hon. Gentleman, to re-draft the whole of their Amendments, that those re-drafted Amendments would not be promptly rejected? He remembered when he was at school and did an exercise, and showed it to the head master, the

head master sometimes tore it up and did not give it back to him to improve it; but it never occurred to him to dispute the right of the head master to do so, although he did not say that that was a particularly conciliatory act. That was what the Government were doing in regard to the Lords' Amendments. The Government proposed not to consider these Amendments at all, but to send them back to the House of Lords and allow them to come to a better frame of mind. He did not care what happened in the House of Lords; that was their affair; but he asked the House to consider the constitutional aspect of this question. The change of procedure the Government were asking the House to adopt was of enormous importance. The Prime Minister admitted that he meant it to be a precedent that whenever the House of Commons disapproved of the Amendments made on a Bill in the House of Lords they were to be sent back *in globo*. [MINISTERIAL cries of "No."] That was in effect the language used by the Prime Minister; and it really amounted to this, that the House of Lords was not to amend a Bill in any drastic fashion. The Government's proposal really amounted to this, that the Lords might make one or two little Amendments in a Bill, dot the i's, and cross the t's, but they must not make any drastic Amendment. That was a very serious change to make in the Constitution and one which ought to be carefully considered. The truth was that this was the first step in the threatened attack on the other Chamber, of which they had heard so much, the first attempt to throw the House of Lords on the scrap-heap. What was the defence put forward by the Prime Minister? The right hon. Gentleman said the poor dear Lords did not know what they were doing, that the changes originally made in Committee and adhered to on Report and on the Third Reading were done in ignorance. But, as the hon. Member for North Louth told the House, the House of Lords were not all fools, and they had not confirmed the changes they had made without knowing what they were doing. The Government had not been quite frank with the House. The real reason for their procedure was that they desired to do two things at the same time, to represent

what was called the great democracy and to propitiate the Nationalists and Roman Catholics—to run with the Nonconformist hare and hunt with the Roman Catholic hound. They thought this was an ingenious plan which they could place before the country as a conciliatory proposal to the House of Lords and which six months hence would allow the President of the Board of Trade to say “Look what good fellows we are; we have initiated the attack on the obfuscated party at the other end of the lobby.” That might be a very good form of Parliamentary tactics, much approved by old Parliamentary hands, but he had not been so long a Member of the House as to refrain from calling it merely dishonest. The Government had asked them to reject the Amendments under terms which combined the maximum of insult to the House of Lords and the minimum of effective discussion in the House of Commons.

MR. PAUL (Northampton) wished to say a few words in favour of peace. He could not help feeling encouraged by the whole tone of the debate, which was highly creditable to the House as a whole, and not least to that Party which at the present time happened to be in a minority. He knew he did not voice the sentiments of all who sat on the Ministerial side of the House or of all his friends and constituents outside. There were some of his friends who would rather have a fight with the House of Lords than have this Bill. He hoped he was not morbidly averse from a constitutional conflict with that august assembly, but there were many of them on both sides of the House who, while perfectly ready to vindicate what they conceived to be their rights against another assembly at the proper time, would rather take any opportunity of doing it than on such a subject as the education of children. Roughly speaking, when this Bill went to another place it was undenominational; when it came back it was denominational. No one doubted that the noble Lords acted in pursuance of their convictions and what they felt to be the good of the country. But if the House of Lords always voted according to their individual opinion there would only be one sort of Government in power, the elections would become a farce, and the British Constitu-

tion as at present understood would come to an end. In the exercise of their constitutional functions the Lords read this Bill a second time without a discussion. In the exercise of their constitutional functions they had amended and not rejected it. Charles II. amended and did not reject the Church service when he left the “not” out of the Commandments, and put it into the Creed. This was really a new Bill. The form of this Resolution had been called an insult to the House of Lords. Supposing the Amendments had been taken one by one, and cast out one by one as so much rubbish, would that have been taken as a compliment to the House of Lords? But if the Government said frankly, “This is your Bill, not ours; it is not the Bill promised to the country, and we send it back in order that we may have another opportunity of considering any such Amendments proposed by you as are not inconsistent with the principles of the measure,” was that an insult? He was sure that the Lords, who were men of the world, would not take it as such. The hon. and learned Member for North Louth had given an imaginative description of the Amendment to Clause 1, for there was nothing in that Amendment about “half an hour a day” or “the Word of God.” The Amendment did not provide that any religious instruction might be given; the words were “set apart.” It might be due to bad statesmanship or amateur draftsmanship, but nothing was said about the nature of the religious instruction to be given. Ten minutes Buddhism and five minutes Unitarianism would be sufficient to comply with that clause. In truth, whether the Amendment remained in the Bill or was struck out, no practical difference would be made in respect to religious teaching in any school. Then there were the Amendments to Clause 8, with which, like the hon. Member for North Camberwell, he sympathised to some extent. That was the Amendment allowing teachers in schools of general and special facilities to give religious instruction. He hoped that teachers who now gave denominational instruction might still be allowed to continue to do so. But he was convinced that to extend the direction to future teachers was to set up a religious test, which was contrary to one of the first principles

of the Bill. The reason why they could not agree on both sides of the House about religious tests was that they did not mean the same thing. Of course a teacher appointed to teach religion or anything else must be a man of capacity and knowledge and a man who could get on with the children, but when they passed from knowledge to opinion it was utterly impossible to test it. What honest man would ever teach a religion in which he did not believe? What test was there that a dishonest man would not take? Religious tests had been given up in every other department in life because it was impossible to read the mind of man. Clause 4 was a denominational clause, and was of the nature of an exception in an undenominational Bill; and while he thought the Lords had gone too far in amending it, he was of opinion that schools which were frankly recognised as denominational ought to be managed in accordance with the religious opinions of those who sent their children to them. He earnestly appealed to all who had at heart the interests of complete education, education of the mind and of the soul, to do what they could to remove the difficulties which prevented the Bill from becoming law. He wondered if some of the bishops knew how many secularists they were unconsciously making. During the last few months the cause of secularism had been spreading. He believed the passing of the Bill would check it and would hinder a calamity from which God in His mercy save this Christian nation.

MR. WYNDHAM (Dover) said the hon. Member for Northampton had come before the House this afternoon in the rôle of a peacemaker, and he had certainly carried out the intention with which he started, but he would ask the hon. Gentleman whether he thought the particular Motion for which the House was asked to vote was the best path to peace, or even a possible path. To send back to the Lords all their Amendments as a sort of pill which they were to swallow was putting too great a strain, he would not say on the sense of dignity, but on the sense of manhood, of the other House, and was not at all the action of a peacemaker. The hon. Gentleman, in justifying the course he had taken, asserted that the Members of the House of Lords

had expressed their own views quite irrespectively of the views of this House and of the views of the electors of this country. He quite agreed. But when it was said that the other House, in pursuance of the practice which the hon. Gentleman condemned, had turned an undenominational Bill into a denominational Bill he could not compliment the hon. Member upon his efficiency in the art of peace-making. How could the Government Bill be called an undenominational Bill? The Leader of the Opposition had pointed out that under the Bill as amended in another place every parent who wished his child to have denominational education had to pay for it, and therefore every parent who preferred denominational teaching had to pay twice over. He did not believe the majority of the electors grasped that, or that they desired it. The House of Lords, however, were not going against the majority in that matter; they were not going so far as the majority in this country would have been prepared to go if the point had been put before them at the last election. He claimed that the House of Lords had given effect to views held by a very large number, if not a majority, of electors, but certainly upon points which were never submitted to the electors at the general election, in terms, at any rate, that were intelligible or could be expected to be understood. The hon. Member had next proceeded to deal with three of the Lords' Amendments. Did not that show the inconvenience of the method which the Government were asking the House to adopt? In dealing with the whole mass of the Amendments in this cursory and not very respectful fashion they were surely preventing themselves from arriving at agreement on a particular point recognised to be of primary importance. The hon. Member had an observation to make upon the clause that teachers should be free to teach. They did not believe that the electors at the last election understood by the phrase "no tests" that teachers were to be forbidden to give instruction which they had given. But even upon this point the peace-makers were ready to meet them part of the way. The opponents of the Bill thanked the hon. Gentleman for his good-will, but it did not meet the case which they put and what they believed to be the wishes of the majority

of the electors upon a matter never submitted, or at any rate, never explained, to them. The hon. Gentleman was prepared to remove some of the restrictions which they thought were of an arbitrary character in respect of Clause 4, but how could he prove, or attempt to prove, that his attitude was a necessary deduction from the other cry, that local control must be preserved and confirmed throughout the country? There could be no more flimsy justification for this extraordinary Motion than to declare that it followed as a necessary consequence from the fact that a number of hon. Gentlemen opposite during the general election said that they were in favour of popular control and were opposed to tests. The hon. Member for North Camberwell, in the end of his speech, said the Bill was too good to lose, and then rehearsed the somewhat scanty hopes of concession held out by the President of the Board of Education in phrases which were certainly rather vague; but, oddly enough, on this very question of the teacher, where the last peacemaker to whom he had referred was prepared to meet them half way, the hon. Member for North Camberwell had the gravest doubts. Far be it from him to put difficulties in the way of peace, but he thought he was helping the way to peace if he pointed out that peace could not be made and no compromise was possible unless the views held by what he believed to be a majority of the electors at the present time were taken into fair consideration. He certainly took pains during the last election to find out what was in the mind of what he might call the plain man in this matter. The views of the plain man, so far as he could gather, was that insufficient consideration had been shown to Nonconformists in the Act of 1902 in all particulars, and that a teacher did not stand as good a chance if he were a Nonconformist as he would if he were a Churchman, because the number of voluntary schools was 14,000, as against 7,000 provided schools. But because of that did it follow that the plain man was to be understood to have voted against allowing the voluntary school teacher to give denominational instruction? And because the plain man further thought that the Act of 1902 did not give the Nonconformist parent in single-school areas the advantages that

ought to be given to him as a parent did it follow that he understood by popular control that the wishes of the parent there and elsewhere were not to be taken into account at all? The hon. Member for North Camberwell had addressed a dialectical dart at his right hon. friend the Leader of the Opposition because in the Act of 1902 he had not taken so much care for the parents' views and wishes as he now seemed disposed to take. He thought his right hon. friend had often answered that charge; he believed that on the foundation which existed of 14,000 voluntary schools and 7,000 provided schools it was impossible without altering that foundation to take the wishes of the parents into account so far as existing schools were concerned; but in respect to the future in Clause 9 of the Act, he for the first time—and a beginning must be made somewhere—laid down the principle to which he and all his followers were attached, and by which they meant to stand. The hon. Member had said that the Lords had made the administration of this Bill an impossibility, and a little later the trend of his remarks shewed that such privileges as were accorded in Lord Salisbury's Amendment or Lord Lansdowne's Amendment could not be given without the right of equal facilities. The force of that argument was very much abated if they considered that the Lords in their Amendments had not gone all the way or even half the way towards universal facilities; they had only made certain adjustments to meet the views of parents in certain restricted cases. The second proposition to which the hon. Member appeared to be very much wedded was that these religious difficulties were more apparent in the discussions of politicians than real in the school life of teachers and children. If that were so under a system which no one had attempted to defend logically as dealing impartially with all creeds, would it not *a fortiori*, be far more true if by granting facilities, possibly theoretic, when the Act came into operation they removed the chance which the divine or politician had of putting a lever into the crevice and overturning the whole edifice? If the Government made their Bill fair they disarmed those who might be too zealous in the cause they had at heart. In spite of his

desire to act as peacemaker, the hon. Member had gone much further to-day than he ever had before in the direction of associating himself with the out and out supporters of the Bill in its first naked shape. The hon. Member had said there was a justification for this Motion in the Amendments which the Lords had carried, and if he had said no more, of course, it would mean that they ought to kill the Bill by this Motion. But the hon. Gentleman had said more; he had said that certain hints at compromises and concessions had been thrown out by the Minister in charge of the Bill, and that he had made a great effort to support the Government. If the Lords, in spite of this extraordinary treatment to which they were to be subjected, were satisfied with certain Amendments, was it probable that the House of Lords would send down those Amendments when they had been described by supporters of the Government as Amendments ear-marked for the benefit of only one religious community in the country? Certainly no popularly-elected House would dare to take such a liberty. They had heard a speech from the hon. Member for East Mayo. Very naturally and legitimately, he spoke first of all for his co-religionists, and he said that he would not like to bind up their fortunes with the Tory Party. It seemed to him that the hon. Member had tried to place his battalions out of the line of fire to be directed against the House of Lords not only upon this Bill but upon other measures. The proposal they were discussing was a hostile Motion to the House of Lords as a revising Chamber. He could understand his inducement to make peace and to accept concessions, but that did not appeal to the Opposition. Those concessions were not addressed to those above the gangway, who throughout this controversy had fought as fairly as they could for all who believed in denominational education. He had taken steps to ascertain the views of a good many of those who voted against the Unionist Party at the last election upon the religious question, and he had gathered that they wished religion to be an element in the education of their children. He claimed that if all these advantages were given in the single school areas in villages some set-off ought to be allowed in the towns where there were nothing but board schools. That was the

view taken during a very hot and burning conflict, and they desired that the wishes of the parents should be consulted. They all desired that the teacher should be free to teach and that the children should be bound to attend. It was for putting these very moderate popular opinions in this Bill that the Lords were being attacked in a manner for which there was no example in all the previous history of the relations between the two Houses of Parliament. It was for doing this that the House of Lords were charged with having traversed the two great principles of local control and no tests for teachers. The Minister for Education went hastily through about five of the Lords' Amendments and said that they traversed the principle of local control, and he said that four others traversed the principle of tests for teachers. It was hardly necessary for him to point out that there had been a profound misunderstanding as to the meaning of tests for teachers. At the election everybody understood that religion was to be an element in the teaching of every child, that every child was to attend during religious instruction, that the local authorities should be bound to take over schools when they were suitable for the purposes of national education, that the restrictions in Clause 4 should be less arbitrary, that there should be a set-off in the town for the privileges conceded in the villages, that the parent should have some voice in the choice of religious education, and that the teacher should be free to teach. And yet, because the Lords had provided for these things the President of the Board of Education told them that they were blows designed at popular control. If what was meant was that no denominational teaching was to be given, then popular control was a contradiction in terms. Many local bodies already approved of denominational teaching both in primary and secondary schools, and why should such schools be coerced in the name of popular control? The Prime Minister had stated that in the Act of 1870 this view of popular control as the equivalent of universal Cowper-Temple teaching was enshrined as the policy for the future. He would remind the Prime Minister that something had happened since the Act of 1870 was passed. A great new democratic element had been added to the constituencies of the country, and this new element was

not actuated by the religious views of those who formed the electorate in 1870. The members of the Church of England who belonged to this new democratic element were very zealous Churchmen. They cared intensely for definite religious teaching, and wished it to be given to their children. It was admitted that Roman Catholics cared intensely for real Roman Catholic teaching in their schools, and it was notorious that the great majority of the Catholics in this country belonged to this new democratic element in the electorate. It was said that the Catholics in this country numbered 2,500,000, but how many of them had votes in 1870? The Jews, who were amongst the wealthiest portion of the community, also belonged to this new democratic element. There were also those who had no definite religious opinion. The hon. Member for Leicester representing organised labour spoke in favour of the secular solution, and said that in any case they desired an impartial solution. They also represented a portion of this new democratic addition to the electorate. Since those who were now sitting on the Ministerial side of the House did not interpret local control at the general election as meaning something which would restrict religious teaching to Cowper-Templeism, by what warrant were they acting now when they were trying to bring about a constitutional conflict between the two Houses without the slightest justification for taking such a course? In his opinion the House of Lords had performed a duty which any Second Chamber was bound to perform under similar circumstances. As Conservatives they were prepared to make the best of things as they existed. Rapturous cheers went up when the Minister for Education said he was not at liberty to accept any of the Lords' Amendments, but those cheers hailed the white flag of surrender as it went up. It was understood that Ministers were prepared to take back only those Amendments which benefited one religious community in the country. That being the case, could the right hon. Gentleman ask the Opposition to deceive themselves and to believe that there was going to be peace or compromise unless he met them and those whom they represented as fairly as

he was prepared to meet hon. Gentlemen below the gangway?

MR. CHANCE (Carlisle) said that in addressing the House for the first time he would ask for the indulgence which was always extended on such occasions. He ventured as a Churchman to express his very strong hope that some settlement might be arrived at on this question in the interest both of religion and of education. It seemed to him that it would be intolerable if Members of the House had to "plough the sands" of the religious controversy for a great part of another session. He thought there was not such a great deal standing between hon. Members on the two sides of the House. There might be some who desired to wreck the measure, but he thought that the majority wished to see the Bill passed into law. With reference to the remarks of the right hon. Gentleman the Member for Dover, he felt that there was no desire on the part of the Government in any way to treat with bluff or with indignity the Amendments of the other House. Of course it would be practically impossible to carry the Bill through if all the Amendments had to be considered *seriatim*. A great deal had been said with regard to Cowper-Temple teaching. He had had some practical experience of education, and, although a Churchman, the Cowper-Temple teaching would meet all his requirements, but he recognised that there were many among his Church friends, and also among Roman Catholics, who required other treatment. He was much interested in the speech of the hon. Member for Waterford when he pointed out that the only olive branch which had been offered had been held out by the Prime Minister and the Minister for Education, and stated that if the suggestions they made had only been in the Bill the Government would probably have had the undivided support of the Irish Party. He hoped that even now those suggestions would be carried out. He trusted that the Government would hold fast to those concessions which they had shadowed and that those who had taken up a *non possumus* attitude would reconsider their position and help in carrying the measure into law. He

thought the Government had made considerable concessions which ought to meet all reasonable requirements. In the first place, the Minister for Education had stated that there was to be religious teaching in school hours by the ordinary teacher. [AN HON. MEMBER: "No."] Then there were the suggestions as to the inclusion of the urban areas in the special facilities clause, and the lowering of the four-fifths proportion necessary for the obtaining of those facilities to two-thirds. With regard to teachers, he quite recognised that the Government had not given any definite view on the subject, but they were willing to consider it. He thought there was no reason at all why this question should not be settled, and he sincerely hoped that the Bill would be carried into law.

MR. MASTERMAN (West Ham, N.) congratulated the hon. Member for Carlisle in having been able to preach peace in his first speech. When he himself addressed the House for the first time, he unfortunately had to preach war. He reminded the House that when the Education Bill was introduced, he declared that the settlement advocated by the Government was an impossible one, and that he made the same statement on the Third Reading. If, therefore, he now found himself on the side of peace, and, for the first time in the course of the controversy, whole-heartedly on the side of the Government in their action, it was because they had, and he hoped not too late, agreed to the insertion of safeguards of the rights of minorities compatible with the general scheme they had laid down for the solution of the education difficulty. The right hon. Gentleman the Member for Dover, had spoken as a member of the Church of England, and he had a right to do so; but he had not the right exclusively to speak for the Church of England. They had heard too much both in the House of Commons and in the House of Lords of members of one political Party declaring that they alone represented the interests of the historic and established Church. There were sitting habitually in that Chamber on the Ministerial side at least a hundred recog-

nised and confessed members of that Church, in every degree as loyal to it as Members opposite, and who were very largely prevented from agreeing with the policy of those gentlemen because they thought that it would lead to the ruin of that Church. The right hon. Gentleman the Member for Dover had accused the Government of attacking the House of Lords. It would have been easy for the Prime Minister, and he thought such a course would have been more agreeable to the majority of the Liberal Party, to have given the signal for an attack upon the House of Lords. But he had deliberately refrained from doing so, and he himself was thankful for it. Whatever the future of the religious life of the nation, he had no enjoyment in dragging such questions into the arena of Party politics. It had been said that while the Government had met the demands of the Roman Catholic Church they had offered nothing to meet the demands of the Church of England. That was not a true statement of the actual facts. Clause 4 and any concessions or agreements on Clause 4 must apply as clearly to the members of the Established Church as to the members of the Roman Catholic Church. If they were sufficiently dissatisfied with ordinary Bible teaching in the school as to demand through the parents facilities in their schools for special teaching they would get those facilities. If there was a distinction between the Church of England and the Roman Catholic Church in the matter, it was that the Church of England had established schools more largely in the rural areas, with not only a religious, but a social domination, and he recognised that of necessity any political Party which had come with a mandate for the enfranchisement of these rural areas from this domination must make a distinction between big cities where alternative schemes could be made and places where they could not. When he declared that the settlement proposed by the Bill as originally introduced was impossible, he was allowed to plead for what he regarded as the only possible final settlement—a settlement which would recognise, as practically every other community in similar circumstances had recognised, that it was impossible for the State to undertake

the teaching of various religions, but that the work should be undertaken by parents acting in communication with the leaders of the religious life of the nation. This, the secular solution, was received as if it were a wild type of atheism, hostile to the whole religious life of the people; but the course of events and thought during the summer and autumn had brought this settlement out of the region of academic interest into the region of practical politics, and tens of thousands of the population of this country had been turning, even if reluctantly, from any conception of a settlement which would meet the claims of the conflicting churches to a settlement which would put entirely outside of the schools all this religious controversy. The addition which the House of Lords had made to Clause 1 was not legislation at all. It was a matter of administration. The noble Lord the Member for East Marylebone had invited the House to accept that Amendment as it stood. Some local authorities would not submit to this dictation, and would immediately set themselves to provide the very form of religious instruction to which the noble Lord objected, namely, the religion of general agreement which was dear to the municipal mind, but was not dear to the mind of the theological student. The second Amendment was one in regard to an arrangement which the Minister for Education had pleaded for all through the summer. The right hon. Gentleman had indicated that there was no chance of its becoming law even if the rest of the Bill were to become law. He regretted the abandonment of the original Clause 7 which the Minister for Education had said was bone of his bone, and flesh of his flesh, because he believed that it provided the only satisfactory conscience clause in the schools. The last clause alluded to by the hon. Member for North Camberwell was that which seemed to him to be worth all the rest of the Bill put together, viz., the clause which allowed the doctor into the schools. He and his friends had been fighting for this for years. It was with some intimate knowledge acquired after long years of personal investigation that he declared that that clause would accomplish a large social reform, and he would very respectfully ask the Minister for Education, even if no agreement could be come to in

regard to the religious controversy, that this charter for the physical welfare of the children should by some truce of God become law. He hoped the House would recognise that the prolongation of this controversy made directly for the coming of the secular solution. Eagerly as he desired that solution, he was wholly prepared to accept the kind of agreement which the Minister for Education had outlined. He knew that that was entirely an illogical position; but if this Bill were abandoned it would not lead to any more just compromise in the near future, as hon. Members opposite thought. He ventured to prophesy that no Minister for Education in the near future would attempt any kind of large compromise such as that which had been attempted this year, and for which the Minister had pleaded against opposition from extremists in all quarters of the House. The Act would go on being administered with pressure on the one side to administer it in one direction and pressure on the other side to administer it in the other direction; and the fires of religious controversy would pass out of this House into every town and village and hamlet in the country. They were throwing the great religions of England into the cockpit of political discussion. What was to emerge out of it? He did not dread a secular solution in the schools, but he dreaded the secularisation of the nation. That was the alternative that was offered, unless some kind of settlement such as this, which satisfied no one, and therefore might perhaps satisfy every one, were accepted. It would not be that the religions of this country would agree to withdraw their acceptance of public subsidy for their faith, and try to find some common religion in which they could educate the children. It would be that the people would thrust altogether outside the schools the religions that were tearing each other in a struggle which in their calm moments they all recognised as an ignoble and indecent one. He knew something of the kind of feeling which was growing up in the great centres of population, and he could assert that the final result would be, not secular education, or some such

compromise as this, but the establishment among the industrial classes, now for the most part favourable to the ancient historic faith, of something of that spirit which made the French Minister for Labour exclaim the other day—

“We have torn the lights from the sky and they will never be rekindled again.”

It was with a profound sense of the serious nature of the issue now involved to the future of the religious life of this country that he ventured to appeal to all who had any claim to represent the religion of the people to consider whether, even at this hour, there might not be averted such a disastrous result.

*Mr. BUTCHER (Cambridge University) said he would limit his remarks to a single point on which it seemed likely that there might be acute disagreement between the two Houses. The Minister for Education had held out some vague hope that a compromise might be found on the question whether the teachers in schools under Clause 3 should be allowed to give the special religious instruction. He invited the right hon. Gentleman to fill in the sketch a little more fully. By doing so he would be doing a service to the House and to his Bill. He hoped the offer would be something better than the suggestion that existing teachers should be permitted to give that instruction while future teachers should not. That would be merely a personal privilege which would not affect any question of principle and it would solve nothing. The position was very peculiar. The Government started with the principle that no teacher was to be compelled to give religious instruction if he objected to do so; but they had swung round to the position that no teacher should be permitted to give a particular kind of religious instruction, even if he desired it, out of school hours. This muzzling order was made in the name of freedom. It was undoubtedly a very humiliating disability for the teacher. What must the pupils think on the matter? Would they not say to themselves, “Is the teacher incompetent that he is not to give us this teaching; or, is the subject so trivial as to be below the dignity of the teacher?” Anyhow,

Mr. Masterman.

the result of the clause was that outsiders must be brought into the schools to give religious instruction. In the small country schools it might be just possible to carry out that system, but it was a rather curious suggestion to come from the other side of the House that the laymen should be ousted by the parson. On the other hand, everyone knew that in large urban schools the system would be simply unworkable. Volunteer teachers could not be got, and even if they were obtained the teaching would be inferior in value and discipline impaired. The Minister for Education, when pressed to give the right of entry into the council schools for special religious instruction, declared it would produce chaos or even pandemonium; and yet that chaos he proposed to introduce into the voluntary schools. Nobody knew better than the Minister for Education that imported outsiders could not carry on the religious instruction, so that the facilities promised under Clause 3 became an educational sham. This was an extreme instance of what was elsewhere found in the Bill—that denominational religious teaching, when admitted at all, entered in only through half-closed doors or by dubious loopholes. The Minister for Education had told them that the prohibition was inserted in order to prevent any test, direct or indirect, being imposed on the teachers. He ventured to say that “no religious test” was a juggling and fallacious phrase; and some of the speeches made that afternoon proved his point. They were all agreed that tests in the strict and technical sense did not come into the case at all. Nobody had imposed them, and, so far as he knew, no one had even suggested them. The word “tests” was used in two senses, the technical sense and the loose and popular sense; and the odium which attached to the former class of tests was transferred to the test which denoted fitness to give religious instruction. The reasoning adopted seemed to be of this kind:—Fitness to give religious instruction might influence appointments; therefore there must be no inquiry on that score; and fitness to give that instruction must be excluded from the recommendations for office. But this was in practice impossible so long as any form of religious teaching was part of the school

curriculum. Surely any sensible body of men would make private inquiry as to what the candidate was—what were his antecedents and what was his training—and these inquiries would elicit precisely those facts upon which they were told no inquiry was to be made. Then there was another very curious thing about the phrase “no religious tests.” Those who used it as a popular catch-word assumed that “no religious tests” meant “no denominational tests,” and they appeared not to see that the difficulty about tests applied to the council schools as well as to the denominational schools. No one would contend that an agnostic should give even Cowper-Temple teaching in a council school, or teach one of those dogmatic Christian syllabuses which had been held up to the admiration of the House. It would be just as bad as that a Roman Catholic should teach Protestantism, and rather worse, because the Catholic and the Protestant did hold the fundamentals of the Christian faith in common. The Minister for Education speaking on this point in relation to Clause 3 said—

“If a candidate was to be asked ‘Will you give religious teaching,’ and he answered ‘no,’ it would seriously reduce the chances of his appointment.”

Similarly the noble Earl who had charge of this Bill in another place said—

“The teacher knows that if he refuses he may lose money, which he can ill afford not to earn, and does not want in many cases to have that temptation put before him.”

Was not that quite as applicable to the teacher who gave Cowper-Temple teaching as to the teacher who gave denominational teaching? Yet the Bill made a distinction between the two. The truth was that intelligent inquiries would and must be made in the case of every candidate who offered to give any religious teaching. Personally he attached far more value to the conscience, the honour, and the convictions of the teacher than he did to any kind of test or inquiry. In the last resort he believed that to be the true safeguard and better than any formal profession of faith that could be devised. The supporters of the Bill agreed in this; but they argued that conscience and convictions were not always proof against the temptations of gain or against indirect

pressure, social or moral. How then did they meet that difficulty? They did it in this way. They took one class of schools which were almost all schools of the Church of England, and said that the teachers in these schools must not be exposed to temptation; they must be shielded from it; and the only way in which they could be shielded was by being forbidden to teach. They took two other classes of schools in which they said, “Let the teacher teach without let or hindrance.” The first of these consisted of Clause 4 schools, which were an avowed exception to the principle of the Bill. The second comprised all the Cowper-Temple schools; and in these the principle of no tests was indeed assumed to hold good, but the logical deduction from it which was applicable to the denominational schools, was not drawn. If the Bill were consistent it would say that no teacher even in a provided school should give religious instruction; but the Bill allowed the teacher in that class of school to teach religion in spite of all temptations to which his conscience was exposed. Then let them accept this inconsistency all round, and make it applicable to all schools. His argument, therefore, was this, that the phrase “no religious tests,” direct or indirect, belonged to a purely secular system of education; it was in keeping with that system and in its proper place there; it did not belong to a system in which there was any kind of recognised religious teaching whatever. The Bill, in short, halted between two solutions. In mere words, it inclined, though doubtfully, to the religious side. In spirit, in drift, in tone, it inclined towards the secular side. It contained within it the seeds of secularism, and it was just that hard core of secularism which created the collision between the interests of the teachers on the one hand and the interests of education and of the children on the other. He did not think there ought to be any such collision, but if the material interests of the teacher did come into conflict with the welfare of the children, the lower interests must give way before the higher.

MR. HARWOOD (Bolton) said the feeling of the House and of the country was one of great interest in this question. They were not animated by any fear of a contest with the House of Lords,

and many of them would welcome it, but the issues were too serious to be considered in that way. They had to listen to many cries, but the most serious was that of the children. The Bill was not one about religion but about education, and all of those who were engaged in educational matters would do much rather than risk the Bill. If he were a friend of the House of Lords he should counsel them not to be guided by their counsellors on the other side. They would be very ill advised if they took the extreme course that was recommended. It had been suggested that this was an unprecedented procedure in dealing with the House of Lords. If there was anything unprecedented it had been the action of the House of Lords itself. Instead of being a revising assembly as had been stated they were a reversing assembly. He did not believe that any Bill had ever come back from the House of Lords so fundamentally altered as this. Another element of unprecedentedness had been the action of the Government. No Government when proposing a measure of this kind had, he believed, ever held out the olive branch in such a manner as had the Minister for Education. It was suggested that the procedure was an insult to the House of Lords, but there was another element adopted which had not been considered, and that was the element of time. It was impossible from that point of view to do what had been suggested by hon. Members opposite. Would it have been less insulting to bring these Amendments before the House and reject them one after the other? What the Government had said was that it was impossible to consider these Amendments one by one, that among other things time prevented. They asked the House of Lords to take them back and make Amendments which this House could consider within the compass of the Bill. He was not a very old member of the House, but so far as he knew no Government in having to deal with the House of Lords in a matter of this sort had shown the same conciliatory spirit, and held out the same conciliating prospect as the present Government. They said they were fully open to consider Amendments consonant with the character of the Bill in the time at their disposal. He

Mr. Harwood.

wanted the House to realise their position in this matter. For the moment this Bill had left their hands, probably they would be called upon to ratify any arrangement that might be made, but at present they had to remain silent. They were now standing at the table at which the Government were trying to strike a bargain. They had no voice in that bargain, but how far the Government might go would depend very much on this House. He wanted those who were listening to the cry of the children to do all they could to assist the Government. He therefore desired to put before all sections of the House one or two matters for their consideration while they stood around the table witnessing the bargain they might be called upon to ratify. The speech of the Minister was perfect in everything except its humour and the ground taken up by him most was promising. The House while they were standing by must remember that first of all this Bill was not logical. That was its best recommendation. Nothing that was logical succeeded in this House. It would have been logical to have said that the State should have nothing to do with religion; but that principle had been departed from. They must bear in mind also that the Bill was in the spirit of compromise. It was illogical that the Cowper-Temple clause should obtain in some schools and not in others, but that system worked well. Then with regard to tests, everybody wanted the teachers to be free from tests, but the plan taken in this Bill of shutting their mouths and padlocking their lips was not a Liberal one. The principle of Liberalism was not to stop a man teaching anything he liked to teach. In the arrangement that the Government might make it must be remembered that the freedom of the teachers would be very different. When the schools were under public control the centre of gravity would be changed and the master would be the local authority, and no one would suggest that an English local authority would allow tests to be put on a teacher. They must also bear in mind that the Church of England had done a great deal of the work in the past at a great sacrifice, and the public did not want the House to forget that. Much had been said about the mandate given at the

general election, but he did not believe that that mandate was so much a positive mandate for education as a negative one. In his part of the country the people thought the Act of 1902 was unfair, and they had revolted because it was unfair rather than from any positive desire for education. The mandate given was a protest against the principle of giving public money without public control, and what the House had to do was to carry out that mandate, and they had no right to carry the mandate further than to see that where public money was given, public control was enforced. To hon. Gentlemen opposite he desired to say that they ought also to bear in mind that the Government had shown every desire to meet their case, although there might be some schools where it had not been adequately met. And he begged his Roman Catholic friends to bear in mind that they might put some trust in the local authorities of England, and that they would find them fair. If the Roman Catholic schools did not come within Clause 4 he was quite certain that every local authority in England would administer the Act fairly in regard to what was just in the Roman Catholic demand. He did not believe they would ever do anything so preposterous as to put into a Roman Catholic school teachers who were not Roman Catholics if Roman Catholics could be found. It was a curious thing that although there was so much discussion on the religious difficulties, those difficulties were not apparent in local life. He did not think a single Roman Catholic school in the country would have the least reason to complain of injustice even if it did not come within the four-fifths clause. With regard to the Church of England itself he very much objected to spokesmen of one political Party in this House or the other being taken as the spokesmen of the Church of England. There were quite as many Churchmen on the Ministerial as on the Opposition side of the House, and those on the Ministerial side were quite as good and loyal Churchmen as hon. Gentlemen opposite. He protested against one school of political thought being taken as the exponents of the wants of the Church of England as a whole. The national character of that Church would be

placed in jeopardy if it allowed itself to be committed to the care of one political Party. The first thing that everybody should remember was that the nation paid for education. That was an important factor, and therefore they could not have all their own way as if they paid for the education themselves. If they took the nation's money for education they ought to be prepared to give up something in return. With regard to the present position, he thought they had better agree with their adversary while they were in the way with him, because he doubted whether the chance would ever occur for making a better bargain than could be made at the present time. He was not thinking so much of Party as the result; which would follow if they threw this question back into the melting pot, because then they would find the gordian knot which the right hon. Gentleman was trying to untie would be cut. He was inclined to think that the people would cry out "a plague upon both your houses; let us have done with this difficulty and squabbling, and let us confine education to merely secular instruction." He hoped his friends in the Church of England would think very seriously before they cast away this chance of compromise, and he hoped the House of Lords would not deal rashly with any suggestions made by the Government. The House of Lords had now a chance of doing a great service not only to the Church of England but for education generally, and such an opportunity might never occur again.

*SIR FRANCIS CHANNING (Northamptonshire, E.) said they had had some interesting contributions to the cause of peace, and nothing had been more interesting to him than the eloquent and delightful speech of the hon. Member for North West Ham. The hon. Member had offered as a sacrifice on the altar of conciliation his own cherished view that the only true solution of our religious troubles was the secular solution. For if the Bill passed that would end the secular solution. He dissented entirely from his view as regarding secular education, because no man was more convinced than he was that religious teaching was indispensable to the lives of the little children of this country. The slum

children would not be drawn into the special religious teaching under the general right of entry. They would be barred out from those happy and most stimulating associations of religious life which were so indispensable to the future welfare of the country. The right hon. Gentleman the Member for Dover had asserted that the proposal of the Government to send back the whole of these Amendments to the House of Lords was certainly to defeat their object. The Lords' Amendments were being sent back for the reason that they represented a complete reversal of the whole ideas and principles which were laid before the House in this Bill. Such an absolute and complete reversal of their Bill could not be considered, but it was rather a compliment to the Lords as good harvesters to invite them themselves to sift the wheat from the tares, and the Government were prepared to give thoughtful consideration to any reasonable Amendments. No course could have been more calculated to arrive at a solution of the difficulty than that which had been adopted by the Government. The right hon. Gentleman opposite had stated that the House of Lords had taken the course which a second Chamber should always take in the way in which they had dealt with this Bill. That was a statement which he traversed at once. Those who were supporting the view of the House of Lords had really failed to grasp the real constitutional meaning of the grave and serious situation in which they were placed. Any man who would speak rashly and indulge in Party invective and vituperation in regard to the Upper House in the present situation would be making a grave and unpatriotic mistake. Nevertheless, in dealing as they had done with this Bill—sent to them red hot from the anvil of public approval at the General Election, directly after a mandate had been pronounced by the greatest majority which any Government had enjoyed for many general elections—the House of Lords had taken a course which in his opinion was a grave political and constitutional blunder. If the House of Lords upon reconsideration repeated that blunder and did not modify their Amendments they would be inflicting a great constitutional wrong to the

majority in the House of Commons, and they would be doing a grave injustice to that enormous preponderance of the electorate which returned such a large majority to support the present Government. He could not imagine any candid man not assenting to the proposition that the origin of this Bill was the breach of the prolonged truce which had existed for a generation between the board schools and the voluntary schools. The whole of the principles on which that truce had rested were set aside by the Bill of 1902, and the claim was made that the fullest support both of taxes and rates should be assigned to denominational schools, as an endowment without complete popular control over the schools. He would ask any fair-minded man who remembered the history of the last four or five years since the passing of the Act of 1902 whether it was not true that every issue raised by that Act had been threshed out and heard and re-heard. These questions had all been fully considered in every portion of the country, and the decisive verdict at the general election only ten months ago was a direct pronouncement on every count of the indictment, and constituted the clearest mandate any Ministry could have to introduce legislation to deal with this question. He would not argue the details of the Lords' Amendments, but it was perfectly clear that by them public control was fettered and hampered, and there would be no direct local control under the Lords' proposals in the sense contemplated by the original Bill. The whole principle of the freedom of the local authorities to select their teachers and to determine to what extent special religious teaching should be given in the denominational schools transferred by the Bill had been practically set aside by the House of Lords. This seemed to him an attempt at re-endowing and entrenching for ever the system of denominational schools, and to deny that it was a complete reversal not only of the Government Bill but also of the precise and definite mandate of the majority of the people seemed to him to be idle and absurd. He wished to deny some of the statements which had been made as to the failure of the people to grasp these issues, and their

Sir Francis Channing.

desire to express by their votes a clear and definite declaration of their views. He stated emphatically that the last general election was a stand up fight between the principle of national education and the principle of universal denominational schools, belonging to the sects and used for the purposes of those sects. The nation had decided for a national system and this mandate was effectively carried out. With a desire to see that transition which the nation had pronounced in favour of carried out gently and considerately, the President of the Board of Education had introduced various concessions in the first clause of this Bill that after a certain date every school in the country should be placed in the position of a board school. He had denounced some of those concessions which bound and fettered the freedom of the local authority because he believed that that freedom was the best instrument for carrying out the popular will and evolving that true system of national education which the people had demanded. The mandate given at the general election had an important meaning which it would be rash to set aside. He did not deny the right of the House of Lords to suggest Amendments and to act as a revising Chamber, but to claim the right to upset the whole meaning and verdict of a general election was a grave constitutional wrong. It was only right that the House of Lords should bear in mind the real and definite meaning of that great mandate on which he had insisted. This point had a tremendous bearing upon the Ministry as well. He agreed that they must make some concessions, and he did not so much object to concessions in Clause 3. But with regard to Clause 4, if they gave up the restriction which applied to urban districts and the population limit and the freedom of the local authority to give extended facilities at their own discretion, he thought the Government would deeply violate the opinions and convictions of their best supporters, and produce a feeling of uneasiness and unrest which would weaken their position in the country. Those were points which he urged the Government to bear in mind. He yielded to no man in his desire to see this Bill passed. In the Act of 1902, nothing was more to be deplored than the abolition of the school

boards and the consequent removal of those opportunities for the encouragement of expert knowledge in the administration of the education laws which had proved so beneficial and had stimulated local interest in educational matters. In his opinion, that was the real key to the great success of the school board system which had lifted up so much the standard of education. He attached great importance to the delegation clause, because it was calculated to recreate that spirit of local responsibility which existed so largely under the old school board system. He also attached profound importance to the initiation of the policy of providing for the physical as well as the mental welfare of the children. For all these reasons he sincerely trusted that the efforts which were now being made to arrive at a settlement would be successful. He sympathised in the warmest possible manner with the eloquent and touching appeal which had been made by the Member for North West Ham. He had also had the advantage of listening to a great many speeches upon this subject in the other House of Parliament, and he had attended many meetings of Churchmen and Non-conformists outside the House of Commons. From all he had heard he had no hesitation in saying that this Bill judiciously handled, if it became an Act, would prove to be an instrument for pacifying this deadly, ruinous, and devastating religious war, and would produce a spirit of unity which might lead to the chiefs of the various religious bodies agreeing upon some form of common religious instruction, which could be introduced into all the elementary schools of the country, and would prove a permanent barrier to that secularisation of the schools of the nation which he looked upon as the greatest evil which could come upon this country.

Mr. HENRY (Shropshire, Wellington), speaking as a member of the Jewish persuasion, and voicing, as he believed, the opinions of many of his co-religionists, stated his belief that the Government had shown a real desire to deal liberally and broad-mindedly with existing schools in the cities and towns. He fully believed that the proposals adumbrated in connection with this Bill would be effective

and have the desired results. If by some modification the position which had been taken up could be maintained he felt sure no material opposition would be offered from any quarter of the House. He had no hesitation in stating that if by the extension of the facilities contained in Clause 4 the Bill had been jeopardised and its purpose frustrated, he would rather see Clause 4 eliminated than that the discontent aroused by the Act of 1902 should continue. As representing a constituency largely composed of members of the free churches, he bore witness that the popular resentment against the Act of 1902 had in no way abated. There was no matter which his constituency considered of greater importance or more urgent than that the Government should nationalise education as far as possible and do justice to all denominations. It was admitted on all sides that this question bristled with difficulties. The Bill originally introduced by the Government was a fair and just measure, and he hoped that when it went back to the House of Lords it would be treated in such a manner that it could be passed into law by this House. He trusted that the forebodings of hon. Gentlemen on the Opposition side would not be realised. If this measure was amended in a reasonable way many great educational difficulties would be solved, and they would be able to go ahead in the same manner as other nations had done.

MR. PARTINGTON (Derbyshire, High Peak) said the principal argument used by the opponents of the Bill had been that they desired all children to be brought up in the religion of their parents. Surely they were all agreed upon that point. The noble Lord the Member for East Marylebone had said that the parents should have a controlling voice in the religious instruction of their children, but it seemed to him a rather strange thing that they should have to listen to that argument now. When the Bill of 1902 was being discussed in this House he remembered that the hon. Member for East Mayo moved an Amendment which would have given the parents a controlling voice in the religious education of their children. It was suggested then that one-third of the managers of the denominational schools should be

appointed by the trustees, one-third by the education authority, and one-third by the parents of the children attending the school. If they had had that, they would have had to a large extent popular control, and the parents would have had an opportunity of seeing that their children were taught their own religious beliefs. He was glad that the whole of the Liberal Members voted in favour of that proposal, but the late Government would not accept it. At the election ten months ago he pledged himself to the granting of facilities for denominational instruction, and he was glad that the President of the Board of Education had suggested Amendments which would make those facilities a reality. He hoped the House would consider this matter carefully and not reject the Amendments. He thought they would be accepted by all fair-minded people in the country. He did not suppose that the political churchman was likely to accept them, but he did not think that anything would satisfy him but a change of Government. He should have preferred to see them set down on the Paper, and that they should be generously given instead of appearing to be wrung from the Government by the House of Lords. Most parents would be satisfied with the facilities afforded by Clauses 3 and 4. The objections to the Bill came from politicians, not from parents.

*SIR PHILIP MAGNUS (London University) shared the hopes of many Members that the measure might not be wrecked, but in some form or other passed into law as the result of the Government's acceptance of further Amendments. It might not matter politically whether the Bill passed this session, but it mattered very much educationally. He and those on the Opposition side of the House attached great importance to two essential principles as part of any system of national elementary education. First, that religious instruction should be given in all elementary schools; secondly, that such instruction should be, as far as possible, in accordance with the wishes of the parents of the children. The first of these principles was contained in the addition the Lords had made to Clause 1, that no school should

Mr. Henry

be recognised as a public elementary school "unless some portion of the school hours of every day is set apart for the purposes of religious instruction." He attached equal importance to the second principle, that the religious instruction should be so far as possible in accordance with the wishes of the parents. He said advisedly "so far as possible," for no one could have listened to these long debates without recognising that there might be cases in which it was difficult to give within school hours the particular religious instruction which some few parents might desire, but they could not legislate for exceptions. In legislating for the masses of the people he thought they had a right to say that the new Education Bill should be so framed as to give prominence to the principle that so far as possible the religious instruction should be in accordance with the wishes of the parents of the children. That principle was recognised by hon. Members on the other side of the House as well as on the Opposition side. The question between them was only one of the means by which those principles could best be carried into effect. He was willing to admit that even in the Bill as it left the House of Commons those principles were to some extent implied, but they were implied by way of exceptions, whereas in the Bill as amended by the House of Lords they were recognised as fundamental principles of any system of national education, and it was for that reason that he attached great importance to the addition to the clause made in another place. He was fully aware that it was said by members of the Government that this would interfere with two principles which the Liberal Party was returned with a mandate to support, namely, that there should be popular control and that the teachers should be free from any religious tests. His hon. friend the Member for Cambridge University had distinctly shown the general view which was held on the question of religious tests. He would point out that even in the Bill as approved by this House some form of religious test for the teachers was admitted. He was sure that the Secretary to the Board of Education would be the first to admit that, if the teachers were to be appointed to give denomi-

national instruction, it was absolutely essential that the managers and the local education authority should ascertain the fitness of those teachers to give such instruction.

THE PARLIAMENTARY SECRETARY TO THE BOARD OF EDUCATION (Mr. LOUGH, Islington, W.) said that he had carefully restricted his remarks to teachers who were engaged exclusively to give the religious instruction.

*SIR PHILIP MAGNUS said that he did not understand the hon. Gentleman in that way; but whether the hon. Gentleman made that statement or not, he appealed to hon. Members of the House to say whether it was not desirable that a person appointed to give religious instruction should only be so appointed if found qualified to give that instruction. Clause 4, as amended, provided that, where extended facilities were afforded, the local education authority should permit the teachers employed in the school to give the instruction desired, if they were willing to do so, but not at the expense of the authority. If they were to be permitted to give religious instruction under this Bill, how could they do it unless the fitness of the teachers to do so was previously ascertained? The principle of religious tests was recognised in Clause 4 of the Bill when it left the House of Commons. The only other point on which he understood there was any essential difference of opinion between the two Houses was that, according to the Amendment of the Lords, the teachers in Clause 3 schools should be permitted, if they were willing, to give that instruction. That was a question on which some amount of compromise might be made; and he understood from the speech of the Minister for Education that he himself considered that that was one of the questions on which compromise was possible. They had heard over and over again that they should trust the local education authorities. The teachers under Clause 3 were, he understood, to be appointed by the local authority, and yet in this instance the Government stepped in and withdrew from that body the power of permitting the teachers to give religious

instruction. That seemed to him to indicate a want of confidence in the local authority. The last speaker had said that the local authority was fettered by the Lords' Amendment in their freedom in the appointment of the teachers. He had examined the Lords' Amendment and was unable to see how the local authority was hampered in that respect. There had been a large amount of exaggeration on this point by hon. Gentlemen opposite. He had had some experience of local authorities; he had been a member of the London School Board, and was at present a member of one of the most progressive county Education Committees in the country, but he had never found that they had resisted any suggestions made to them by the Board of Education. The local authorities were indeed only administrative bodies appointed to carry out the policy indicated to them by Parliament. For his part he believed that the local authorities preferred that the choice of a policy should not be left to them, but that the law should be definitely laid down for them. It was on that ground that he contended that in making Clause 4 mandatory they were not taking away from the local authorities any freedom which they might legitimately exercise. It was well known that the schools were not only supported by the rates, but by grants made by Parliament, and therefore it was only right that the Government of the day should indicate to the local authorities how they were to carry out their educational duties. It would be admitted that the Government had not stated in what way the Lords' Amendments altered the principle of the Bill as sent up from this House. He agreed with the last speaker that it would have been easier to have arrived at a satisfactory solution of this difficult question if they had discussed the Lords' Amendments *seriatim*, and so have seen which of the Amendments they could accept and with which they differed seriously. They had been told that there was great difficulty in proceeding on those lines because of the cumulative effect of the Amendments with which the House of Commons could not concur. He could not understand how they could ascertain the cumulative effect of the

Amendments without considering the effect of the Amendments taken singly by themselves. It was pointed out that the length of those Amendments rendered it physically impossible for the House to consider them. He admitted that the Amendments were numerous, but many of them were consequential and did not impair the principles of the Bill. He would remind the House of the fact that the Amendments which the Government themselves had introduced into another Bill before the House were longer than the whole of the Bill when it was first submitted. But the Lords' Amendments as introduced into this Bill had the effect of giving greater precision to the clauses of the Bill, and he was certain that many of them were of such a nature as did not injure the principle of the Bill. It must be admitted that some of the Amendments made the Bill a more workable measure. He would quote the Amendment introduced by the Duke of Devonshire which gave greater powers to the Commission than were conveyed when the Bill left this House. From an administrative and educational point of view this Amendment was of great importance, and he thought that the Commission should be asked to undertake the additional duties cast upon them for the sake of relieving the heavy burden thrown upon the Board of Education in the Bill as it left the House of Commons. There were other Amendments which ought to receive consideration which aimed at removing legal difficulties. The Bill when it left this House made no provision for new schools under Clauses 3 and 4. These were the sections under which alone denominational education could be given, and he failed to find in the Bill, as it left the House, any provision for the transfer of new schools to the local authority under Clauses 3 and 4. It seemed to him that to carry out the bilateral system to which the President of the Board of Education had referred there should be some provisions in the Bill which would enact that the new schools to be erected should enjoy facilities under Clauses 3 and 4. It was a hard case that if any one desired to leave a legacy for the purpose of erecting a new schoolhouse in any particular town, that the children should not enjoy

the facilities for special religious instruction such as were provided for under the Bill.

MR. BIRRELL said that Clause 6 which the Lords had struck out gave the local education authority power to make arrangement in such cases. He did not say it could be enforced upon the local authority, but they had power to give an extension of facilities which would apply to such a case.

*SIR PHILIP MAGNUS thought that under those circumstances the Amendments of the Lords in Sub-clause 7 (a) did not enforce any different principle from that to which the Minister for Education had referred and was one of those Amendments which might have been accepted on its own merits. He had no desire to detain the House any longer, but he would say that he was most desirous that some settlement of this difficult question should be arrived at, because he felt that it blocked the way to those important improvements in our system of education which were very much needed.

MR. HERBERT ROBERTS (Denbighshire, W.) said he had attended on many occasions the debates in this House, but he thought that this was the most interesting and he was sure that it was the most important to which he had ever listened. He could not help feeling that the dominant note in the proceedings was a desire to arrive at a settlement. Speaking for himself and for those with whom he generally acted in that House he fully associated himself with that desire. He wanted also to associate himself with what had been said with reference to the very able manner in which the President of the Board of Education had conducted the Bill, and especially to congratulate the right hon. Gentleman and the country on the speech which he made on Monday last. He was absolutely certain that the right hon. Gentleman's one desire in piloting this Bill through Parliament was to improve education, as such, in this country. With regard to the Bill itself it was not a perfect measure, but he looked upon it, as it left this House at all events as containing the possibility of bringing about in time a final settlement of the controversy. He would just

in a sentence or two emphasise the special position of Wales under the Bill. There were thirty-four out of thirty-four Members from Wales in favour of the principles of the Bill. He was not going to reiterate that as a mere boast, but he did ask the House of Commons to realise what that meant and the deep concern felt in Wales as to what was going on in regard to this Bill. The great majority of the Welsh electorate were strongly in favour of the Bill as it left this House, and whatever feeling of dissatisfaction might be entertained with regard to the possible endangering of the Bill by the action of the House of Lords that feeling was more deeply rooted in the minds of the people in the Principality than in any other portion of the kingdom. There was another question connected with the Bill which had its special interest to the people of Wales, and he should like to emphasise it. Part 4 of the Bill was designed to set up an Education Council for Wales, and he hoped that it might be possible to bring about some arrangement which would meet the widespread desires of the people of Wales to have granted to them educational autonomy. He recognised in these clauses the possibility of their arriving at such autonomy in time to come, and he need not say that the people of Wales were watching the movements in this and the other House in regard to that which was to them the most important part of the Bill. They desired a settlement of the question. They desired it in the first place on educational grounds, and, in the second place, in regard to administrative details; and speaking for those whom he represented and associating himself with the views which had been expressed with regard to the essential importance of maintaining religious instruction as far as possible throughout the country, they in Wales felt that the deep convictions of the Welsh people in religious matters should be echoed, expressed, and represented in the atmosphere of their schools. They did not want compulsion in this matter, but they wished to make it clear that the deep rooted desire of the people in the Principality was that the schools of the country should represent the religious convictions of the people. He had only to add in relation to the constitutional

issue that he did not think from the tone of the debate it was going in connection with this Bill to be the crucial point. From what he could understand of this debate, the educational issue overshadowed the constitutional issue, and he believed that his interpretation of the feeling of the House on this point was the true one. He heartily supported the attitude which the Government had taken up in their treatment of the present situation, and he could only express his sincere hope that the result of what had been done would be to bring about some readjustment with regard to the three or four points upon which concessions were now possible in such a way as to save the Bill and to enable the nation to take a step in advance along the road of efficient elementary education.

LORD, BALCARRES (Lancashire, Chorley) said he also was sincerely anxious for a settlement of this question but not on the terms laid down by the Government. The Minister for Education had adumbrated certain alterations which he was prepared to accept relating to the majority under Clause 4, the distinction between rural and urban areas, and the question of parents' committees. What security was there that these alterations would carry out the spirit in which they were offered? If the right hon. Gentleman had these Amendments to the Lords' Amendments drafted, which he very much doubted, why did he not put them upon the Paper in order that they might know precisely what was in the mind of the Government? If concessions were to be made, they ought to know what those concessions were in precise form, and not be asked to trust to the speech of the right hon. Gentleman, which, with all respect, was not wholly clear or explicit. They had had explicit and clear pledges in the past in one way or another, through action direct and indirect of parties, and through difficulties in drafting those pledges had not been carried out. The most striking illustration of that was Clause 4 as it left this House. The right hon. Gentleman said that under that clause the facilities must be real and not a sham. They were told that under the new circumstances when certain conditions were

fulfilled religious instruction under Clause 4 would go on in the schools as at present. But under the clause as it left this House the conditions with regard to the denominational teaching in these schools were so onerous that the clause was a fraud, a delusion, and a sham. Before the children of Church of England parents could in the future get the teaching that they had to-day, fifteen processes had to be gone through. Not only were the conditions of the clause so stringent, so numerous, and so serious that the very schools for which this clause was designed would find themselves unable to secure the facilities, but the clause itself was full of inconsistencies. The population of 5,000 was indefensible. Why in a town of 5,000 inhabitants should the children receive one kind of education, and the children of a town of 4,800 inhabitants be treated in quite a different manner? The thing was absurd. The five days in a town and the two days in the country was also indefensible. Then again the teacher in a town might give, and the teacher in the country was forbidden to give, religious instruction. In the town if the teacher was forbidden to give this instruction there would be an opportunity to secure a substitute less or more qualified to take his place, but in the country the question was far more serious, because there it would be most difficult to secure any volunteers. So far as Clause 4 was concerned it was illogical, and inconsistent with the pledges which in all sincerity and good faith had been given. Hon. Members on the Ministerial side of the House, whatever their denomination, had always expressed themselves as anxious to meet the claims of the Roman Catholics. The case of the Roman Catholics was fairly succinct and definite, and the phrase usually employed was that they wished to preserve the atmosphere of the schools. The one condition precedent to preserving the atmosphere of the Roman Catholic schools was that Roman Catholic teachers should be employed. That was their case. No tests for teachers, according to the Government, was one of the cardinal points of the Bill. He did not know why it should have been said on the previous Monday that it was easier to ask for than to secure. Hon. Members said

Mr. Herbert Roberts.

on the platform that it was a delicate matter, but in Lancashire there was no difficulty in denouncing tests in any and every form and in saying that no tests direct or indirect should be allowed. Perhaps the right hon. Gentleman would explain also why both he and his colleagues had promised to take up the question of the parents' committees. Did the right hon. Gentleman suppose that the hon. Member who spoke for a large section of the Roman Catholic opinion of this country put down the Amendment which appeared on the Paper yesterday in order that the parents' committees should control the structures or arithmetic? No. That Amendment was put down for the purpose, if it were accepted, of giving these committees the control over the selection of the teachers. He himself would support that Amendment with pleasure. There was to be no test technically, but an opportunity would be given to a body, over which there would be no power under this clause, to put direct religious tests to teachers. How was that consistent with the pledges given by the right hon. Gentleman and his friends? They desired now to make concessions, but they had taken the least conciliatory and least business-like way to obtain their desire. Nobody knew what the concessions were, and if the Government really desired to take a conciliatory line they would have done well not to have proposed to return the Amendments *en bloc*, but to have put their Amendments on the Paper, if indeed they were drafted, so that the House could judge for themselves what the Government desired. It was obvious that those Amendments were not drafted; they were not even prepared. The right hon. Gentleman had adopted this unbusinesslike method of destroying the Bill, which was, he imagined, what the Government desired.

CAPTAIN KINCAID SMITH (Warwickshire, Stratford-upon-Avon) congratulated the Government on their action in moving the rejection of the Lords' Amendments and at the same time suggesting that if the House of Lords would abandon those Amendments which were outside the four corners of the Bill the Government would be prepared to consider suggestions as to Amendments which

were within its purview. To his mind the fact that the Bill did not altogether satisfy Roman Catholics, Churchmen, or Dissenters was a proof that it was a good compromise. He and many others wished to hold the balance even between all the denominations. The Liberal Party had been accused of wishing to destroy Church teaching; that was entirely untrue. What they wished was to substitute public for private control of voluntary schools, and that the one man control which existed up to 1902, and, he believed, in some country districts even now, should continue no longer. An hon. Member who spoke yesterday deplored that after thirty years of controversy the Churches in England had not been able to arrange some fundamental basis of religious teaching for the children. Surely that was rather a proof that the controversy had not been as to the religious teaching to be given, but rather as to who should give the teaching and who should have control of the school. What they wanted to do was to meet the wishes of the parents. For a month during the autumn he went round his constituency trying to find out what the parents did want, and he came to the conclusion that they did not care very much what the religious instruction was that was given to their children, but that they wanted some sort of religious teaching to be given, and also that this religious controversy should cease. He supported Clause 4 because he considered it to be a good clause. He looked upon it not as a concession to the Roman Catholics, but as a concession to all those schools where there was an overwhelming majority of the parents who desired some denominational teaching. Where there was that overwhelming majority he wished the concession to be looked upon as one to all the denominations which could possibly benefit by it. He bowed to the experts who said that the provision of facilities all round was impossible, although he thought that was the logical solution, and believed that in Alsace-Lorraine it had worked smoothly and with satisfaction. If the Bill were dropped the result would be an enormous reinforcement of those who favoured the secular solution, and surely that was

a sufficient reason why hon. Members opposite should try to influence the Lords to make concessions so as to pass the Bill in some form or another into law.

MR. KEIR HARDIE (Merthyr Tydvil) said he rose to take part in this discussion for two reasons. The first reason was that the House was discussing what was essentially a working-class question, for the children of the working-class must go to elementary schools, and therefore they as Labour Members had more than a passing interest in it. His second reason was that working-class opinion had been clearly expressed upon the subject—a fact which was apt to be overlooked. The Trade Union Congress which spoke for well nigh 2,000,000 of the working-classes, and was the mouth-piece of organised labour in this country, had on several occasions discussed this education question. A decision of the Trade Union Congress was different from a decision in the election of a Member at a Parliamentary election. A dozen questions influenced the voters at a Parliamentary election; but at the Trade Union Congress the decision taken on this matter was in the nature of a Referendum vote, as it was voted upon as a separate and distinct issue. Four times in succession that congress had declared, with practical unanimity, for a national system of education under full popular control, free and secular, from the primary school to the University. The great majority of the members of the congress were men like himself of the Christian faith; but they supported the secular solution because of the impossibility of finding a common denominator of the Christian religion which all could accept. In this respect the Trade Union Congress did not stand alone. The great Congregational denomination of North Wales, by a practically unanimous vote, and in face of the opposition of the President of the Board of Trade, declared in favour of secular instruction as the only solution of the difficulty. He could understand those who supported a State Church desiring to see religious instruction given by State officials in our public schools, but he could not understand a Nonconformist who discarded the doctrine of a State Church supporting a much more

dangerous and insidious form of State endowment by having religious instruction given in the public schools. Not only trade unionists demanded secular instruction, but a very large proportion, especially the more intelligent section, of Nonconformists, together with a very large body of Church opinion, especially the High Church opinion. The Bill before the House was supposed to be a compromise, but it was a compromise which pleased nobody. The hon. and gallant Member who had just sat down regarded that as evidence of its success as a compromise. The Bill settled nothing and pleased nobody. It left the whole question where it was before, with this serious, indeed, fatal, difference—that it transferred the squabble—he would not dignify it by calling it the dispute—from the House of Commons to the local councils. The Government ought to have taken its courage in both hands and been logical and accepted the secular solution. Nine-tenths of the time of the House which had been wasted over this question would then have been saved. There would have been one big fight, but that over the religious difficulty would have been got out of the way for all time. [AN HON. MEMBER: One big defeat, you mean.] If hon. Members were prepared to tell their constituents that they would vote against their own Government if they attempted to solve the question on the basis of secular instruction it would be a strong declaration. It was one of the greatest fallacies to assume that parents cared the toss of a brass farthing concerning the religious instruction in the schools. It showed how completely out of touch were hon. Members with working-class opinion that an idea of that kind could prevail. When the priest or the parson took his congregation in hand and said “Are you in favour of this?” the answer would be “yes”; but the bulk of the working classes were indifferent on the subject of religious instruction, because they saw what a little good had come to the country from the religious instruction of Church and chapel alike. But as the Government had not taken the logical course of establishing secular education, and as there was to be religious instruction in the schools, the Party for whom he spoke and a good many hon. Gentlemen opposite were of opinion

Captain Kincaid Smith.

that Clause 4 should be made mandatory, so that no sense of unfairness should be aroused in the minds of any of the denominations. The recent municipal elections had shown the wisdom of that course. If Clause 4 was to remain in the Bill as an optional clause, then at every municipal election, sanitation, good government, and everything else would be made subordinate to the strife of sects for domination on the council. It was only by making Clause 4 mandatory that it would be workable at all without inflicting serious injury upon local institutions up and down the country. The question of religious tests for teachers was also bound up in Clause 4. As long as the teacher was allowed to give religious instruction there was bound to be a test imposed; and a religious test in a branch of the Civil Service was an abuse and an anomaly which this House ought not to countenance. But if they were to have denominational schools they must face the logical conclusion that they must also permit denominational teaching, and for these reasons—he was speaking for himself—he preferred the Lords' Amendments in respect of the teaching of religious instruction under Clause 4. He repeated, however, that the logical solution was to abolish the religious instruction altogether, and thus remove this and other anomalies from the Bill. There was one Amendment of the Lords to which very serious attention required to be called. The clause dealing with bursaries had been deleted. The clause enabled an education authority to aid by scholarships or bursaries the instruction in elementary schools of scholars from the age of twelve up to the limit fixed by the Act. For the life of him he could not find any explanation of this except that the Members of the other House were afraid that if bursaries were permitted there might be keen competition between the clever children of the working classes and the privileged children of other classes. He trusted that whatever else might have to go the Government would stand firm for the reinsertion of this clause. The question now being raised might easily develop into a much greater issue than the religious difficulty in an Education Bill. He was not in a hurry to have a conflict

precipitated between the two Houses, because such a grave constitutional crisis would absorb all the energy and attention of the country, and social reform would go by the board. If, however, the Constitution was to be put into the melting pot he hoped the Government would try to be logical in seeking a solution. But any attempt to compromise a question as to which House should be supreme would be fatal to any Party that proposed it. The Labour Party would support the Government in rejecting these Amendments *en bloc*. They reserved to themselves a free hand as to their course of action should the Bill return to this House. They had acquiesced in the Bill as a compromise, but, if the compromise were rejected, and the whole question re-opened, then they would insist that there should be a fight to a finish, and that from the schools should be eliminated anything which by any stretch of the imagination could be called sectarianism or sectarian instruction.

*MR. SOARES (Devonshire, Barnstaple) said he quite agreed with what the hon. Member for Merthyr had said with regard to what would happen if this Bill were rejected, namely, that it would give a great impetus to the advocates of purely secular education throughout the country, and speaking for himself, that was one of the reasons why he sincerely hoped that a compromise might yet be arrived at. Not that he agreed with the hon. Gentleman who had just spoken with regard to fighting the House of Lords on this or any other question. He was quite sure that if an appeal were made to the country as to the House of Lords there could be only one answer to it. At the same time he hoped a solution would be found with regard to the Education Bill, in the interests of education, and the undesirability of constantly bandying about religious questions on a political platform. The solution, however, must be in proper terms. They could not have peace at any price. They must have peace with honour. They could not forget they had had a long and strenuous fight on this question, and that at the election every candidate made the 'education question' a plank

in his platform. The two main principles they had set before the electors were popular control and no tests for teachers, and he thought himself they were bound to insist on those two principles. If they did not they would be false to their principles, false to the electors, and, what was still more important, false to themselves. He admitted that there was a concession under Clause 4, and that so far as that clause was concerned tests for teachers were introduced in a qualified manner. But he was prepared to defend that clause as part of a great compromise. As for popular control, they knew that the Minister for Education would stand firm as a rock for that principle, and that no one would be asked to depart one jot or tittle from the pledges given to the electors. As for tests for teachers, the right hon. Gentleman the Member for West Birmingham had said he was opposed to them, and it was admitted in the House of Lords that the election gave them a mandate to abolish tests. Members on the Opposition side gave lip service to the principle of no tests, but on the Liberal side they were in earnest about it, and they could not go further in allowing tests than had been done under Clause 4. In schools under Clause 3 it was absolutely impossible that teachers should be allowed to volunteer for denominational teaching. If they assented to that it would mean tests for teachers, and he for himself did not see his way to yield on that point. The Minister for Education had been frank and generous from the beginning. He had laid his cards on the Table and had also put up his enormous stake, amounting to £1,000,000 a year, which was sufficient to provide places in council schools for 80,000 children every year. And what had happened? His opponents had seized the stake and now they were trying to steal the cards. The right hon. Gentleman was now asking the House for a new deal: he would get it and he would yet win the rubber if he kept a stern front to his opponents and relied on his supporters and partners. They would back the Minister for Education so long as any Amendments to which he agreed were in accord with the pledges given at the time of the election, but he was not prepared to

make any concessions at all except in regard to Clause 4. He trusted the Minister for Education would adhere to the speeches he had made from time to time with regard to such concessions, and that they would have no further giving way to the other House.

MR. SEAVERNS (Lambeth, Brixton) expressed his deep gratification at the course which the Government had followed in dealing with the Lords' Amendments. A good deal had been said in the debate as to precedent, and on that point, being a new Member of the House, he expressed no opinion, but he held that in the circumstances of the case as they existed to-day, the Government had adopted the only practical and common sense course which was open to them. The House of Lords' Amendments had not only emasculated the Bill, but they appeared to have changed the sex of the measure entirely. The Leader of the Opposition stated yesterday that if these Amendments had been taken *seriatim*, four days would have been sufficient for their adequate consideration. He could only say that unless the right hon. Gentleman could curb the volubility of his supporters more than in the summer session, not merely four days, but four months would have been required. The prospect of taking up the Amendments *seriatim* and of the enormous loss of public time which that would have involved, made such a course absolutely intolerable, and one which could not be endured by Members. If that was the position in regard to this House, it was still more true of the people of the country. He believed they were absolutely sick and tired to death of these interminable religious and theological controversies. He believed that the parents of the children for whom so much solicitude was shown by the Members of the Opposition to-day, although very little was shown in 1902, wanted education for their children rather than this, that, or the other particular dogma inculcated in the interest of this, that, or the other particular church. He believed that they looked to the Liberal Party to see that the education of their children was no longer made the battle ground of

contending divines, whether they were Churchmen or Nonconformists. He approached this subject not entirely, or even mainly, from the Nonconformist standpoint. He had never asked as a Nonconformist that there should be extended by the operation of any Education Act to Nonconformists any advantages which were not extended to the members and the children of any other faith. He regarded it as one of the great curiosities of this debate that such a proposition as was enunciated yesterday by the Leader of the Opposition should be put forward—the proposition that Cowper-Temple teaching was the teaching of Nonconformity pure and simple. That to his mind was an extraordinary and a unique feature of this controversy. It was a proposition which so far as he knew had not a shred of foundation in fact. The standpoint from which he approached the question was that of a practical man with some commercial experience not only in this country but in others. He realised that we in this country were suffering from the stress and strain of enormous foreign competition, and he believed most sincerely that the one means of successfully meeting that competition was the establishment in this country of a complete system of national education—a system which would attract the best intellects of the country to the teaching profession, and provide for the children of the country an education not inferior to, and if possible better than, the education provided for the children of our commercial rivals. The hon. Member for Merthyr Tydvil had referred to the secular solution of the question. The hon. Member had taken great pains to prove that that solution was logical, and he accepted that view absolutely. It was not only a strictly logical solution, but it was the only practicable and logical solution of the question. But he felt that in this matter the logical solution was not always the best, and therefore he welcomed the scheme of the Minister for Education as being better than a merely logical solution. He believed that an enormous majority of the parents were not only satisfied, but infinitely preferred, simple instruction in the fundamentals of the Protestant Christian faith to any inculcation of the dogmas of particular churches. While

exceptions might rightly be demanded by those outside the scope of the Protestant churches, he maintained that, apart from those exceptions, parents were well satisfied with the system. Some advantage might be gained by looking across the Atlantic to the experience of many millions of people in the United States. The experience of that country had been put forward as an argument for secular instruction. He had never been able quite to understand why that position had been taken. He himself as a child was educated in one of those schools, and the religious instruction given then was that which was given to-day, and it was more similar to the Cowper-Temple instruction in this country than any purely secular instruction. Advantage might be gained from scrutinising the experience of a country which was allied to this by ties of blood and language, whose educational system had been an exceptional system, and whose people were not less keen in their religious instincts and enthusiasm than the people of this country. The fate of the Education Bill hung in the balance. It might be secretly locked in the breast of the Ministry, but it was not known to the House. If the Bill was lost, grave issues, far more important than education itself, would arise out of the contest. There would arise the issue whether the people of the country were to manage their own affairs, or whether their just and legitimate demands were to be frustrated by a Chamber which was the complacent tool of one Party in this House and the inveterate foe of another. If that issue were presented to the people the result would not be in doubt.

*SIR GEORGE DOUGHTY (Great Grimsby) thought that everyone who had listened would agree that the tone and temper of the debate had done great credit to the House of Commons. He himself was very desirous that there should be a settlement of this difficult and perplexing question. An hon. Member opposite had said that what they wanted was a settlement which would constitute peace with honour. There would be no settlement unless peace was established in all the schools in the country. He believed

that the Government had a golden opportunity of securing peace with honour by making reasonable concessions to different sections of the people. His noble friend the Member for East Marylebone had said there was no guarantee that if the House of Lords introduced the desired Amendments they would be accepted when the Bill came back to this House. In such a case a very serious issue would be raised, and he thought some assurance on the point should be given by the Government. He believed that if the Government would only accept such Amendments as they could recommend to the country, they could carry the Bill into law. There were two important compromises which hon. Members opposite had been endeavouring to influence the Minister of Education not to accept, and which were necessary to a settlement of the question. One of these concessions was to be found in the first clause, under which religious instruction was to be given in all the provided and non-provided schools in the country. There were hon. Gentlemen opposite who had contested that proposition, but he had not heard a solitary argument to show why such instruction should not become part of our educational system. The only argument brought forward against the proposition by the hon. Member for North Camberwell was that the thing could not be done, and his reason for stating that was that the education committees would resent the duty thus thrown upon them. That was a very weak argument to be laid before the House of Commons, because they were constantly passing measures enforcing on local authorities various duties and, so far from creating dissatisfaction, controversy ceased when the provisions of an Act were made mandatory. Local authorities were wise in their generation, and generally recognised that their duty was loyally to carry out the law. This was a vital question, and he believed that it was the duty of the State to see that the religious instruction was given in every State school in the country; and if the Government were to adopt the Amendment, they would find that the Bill would be far more acceptable, even on their own side of the House, than at present. An

hon. Member had said that there would not be any education committees in the future that would not give religious instruction; at the present time practically all the committees had adopted a syllabus for religious instruction, and therefore it must be their desire that this Amendment to Clause 1 should be accepted. It was said that Clause 3, as amended by the Lords should not receive the assent of the House. He observed that the hon. Member for North Camberwell treated this question very tenderly. Why should not the privilege be extended to Church of England schools in villages which it was proposed to give under Clause 4 to schools in other towns and villages? All the single area schools would not have the same fair treatment. He was not pleading either for Nonconformity or for the Church of England; he was only desirous that justice should be done to every section of the people. Under the Bill they were going to take in the villages the Church of England schools which had been maintained by the Church and been their property for generations, and impose on those schools a religion which was called by some people the Nonconformist religion, but which Nonconformists themselves did not consider sufficient for their own children. If in the single area schools the teachers were not to be allowed to give religious instruction even if the local authority were agreeable, a great wrong and injury would be done, which he did not believe the House of Commons was really capable of performing. Why should his Nonconformist friends be so afraid of the teacher when he became a servant of and was amenable to the local education authority? His contention was that in the single area schools the Bill of the Government unamended would, while remedying a Nonconformist grievance, create another and greater grievance. He supposed that no one would deny that in some villages a very large majority of the people were Churchmen, and in others, a large minority were Churchmen, and an injury would be done to these people who had created the schools, and spent millions on them, by denying to them the right to have religious instruction given to their children. On the grounds of equity and common justice,

Sir George Doughty.

he therefore maintained that the teacher ought to be allowed to give the religious teaching in these schools, if instructed to do so by the local education authority. The Government were going to allow the teachers in all council schools to give religious instruction. On what lines of justice could they refuse to allow it under Clause 3? If that was refused would it not leave a rankling sore? Would there not be another religious grievance to be brought up on every platform by his Unionist friends and probably by himself? The Government had a golden opportunity of coming to a just and fair compromise, and he trusted that they would not be influenced by the extreme men on either side of the House, but that they would try to meet every interest in the country so that this burning question might be settled.

*MR. LLEWELYN WILLIAMS (Cardmarthen District) said the hon. Member for Great Grimsby had spoken of some of his friends as extremists and of himself as a moderate man who spoke in the interest of no Party, and his moderate view was that unless the Government were prepared to accept the Lords' Amendments to Clause 1 and Clause 3, the Bill had no chance of passing. All he could say was—and he thought he was speaking in this matter for all his colleagues in Wales—that if these were the only terms on which a compromise could be effected, a compromise was impossible. If on the other hand the suggestions made by the Minister for Education on Monday were accepted, though many on his side of the House thought that the Government would be going very far indeed, still, in order to come to a settlement, they were willing to sink once more their own views and opinions in the matter in order to meet in a fair and reasonable way the views of hon. Gentlemen on the other side of the House. But he had risen chiefly to call attention to the elimination of Part IV. of the Bill, which gave a National Council to Wales with power to arrange educational matters in the Principality. Forty years ago there was hardly any public education in Wales, but in the course of one generation the Welsh people had established and developed a national system of education. There were now

over 500,000 children in the elementary schools, there was a complete system of technical education, and there were three University Colleges. It was recognised that some such reform as was suggested in Part IV. had become necessary, the principle of which had been accepted by the predecessor of the President of the Board of Education; his proposal did not go so far as the proposal in the Bill, but the principle of allowing the Welsh councils to determine local matters was endorsed by the hon. baronet. To carry out that policy there was a conference attended by representatives of all the Welsh counties from Anglesey to Monmouth, and but for the accident that one council differed from the rest on a point of detail there would have been no necessity for Part IV. in the Bill. Part IV. had been passed through the House of Commons by a larger majority than was accorded to almost any portion of the Bill. But what had been the fate of this provision, which was in principle approved by the late Government, which was unanimously commended by National Conferences in Wales, and which had been passed by an overwhelming majority in Committee? It was summarily rejected by the House of Lords. Lord Cawdor, who moved the rejection of that part of the Bill, had no connection with Welsh education or claim to represent Welsh opinion. Lord Cawdor had never lifted a finger to help the people of Wales in their educational efforts. The Bishop of St. David's voted for the principle of an educational council for Wales, but in the House of Lords he rejected Part IV. Every other part of the Bill was amended. Why did the Bishop of St. David's reject in the House of Lords a project which had received his blessing as late as March last at the Cardiff Conference? Surely his right course would have been not to vote against the whole clause, but so to amend it as to bring it into accord with the principle of which he approved. He did nothing of the sort. This part of the Bill was rejected after a very short debate in which Lord Cawdor said the proposal was a part of a scheme for promoting Home Rule for Wales. It was nothing of the sort; it was merely a small measure of reform in educational machinery. He hoped if the right hon. Gentleman found it impossible to secure the passing of this Bill with Part IV.

in it, at all events he would see that the principle that they admitted was a right principle should be carried out by an administrative Act which would not require the sanction of the House of Lords. If the Government said it was impossible to get Part IV. through this House and the other House they could, at all events, assist Wales by establishing a subordinate branch of the Board of Education in Wales with permanent officials to deal with Welsh education. If that were done he did not much care what became of Part IV. All he was anxious for was that the separate and distinct case of Wales should be recognised in some tangible form by the Government. If that were done he cared not very much what became of the Bill at all. He was one of the few men who voted for the secular Amendment, and he believed the discussions on the Bill had tended to mature public opinion in favour of that solution. However that might be, he was perfectly willing, if it was possible to secure this concession to Wales, to say that though he disagreed with Clause 4 as it stood, and though he disagreed still more with other concessions which had been mentioned on that side, yet in order to secure a settlement of the question he was prepared loyally to support the Government.

MR. WALTER LONG (Dublin, S.) asked what the House was to think of the hon. Gentleman who had just sat down who, if he understood his speech aright, was prepared to support a Bill about which he did not care anything if the Government promised to do what he wanted for Wales. He did not think the Government were to be congratulated on the quality of the support which had been given them by the hon. Gentleman. Anybody who had listened to this debate must have come to the conclusion that the Government themselves must now be regretful regarding the course they had adopted with respect to the consideration of the Lords' Amendments. What was the position in which the House found itself in the novel circumstances produced by the action of the Government? They were met to discuss the Amendments of a great Bill which had come down from the House of Lords. Those Amendments had found supporters on the Opposition side of the House and faint indications of support in certain

quarters on the other side. If the ordinary course had been adopted of discussing those Amendments *seriatim*, they would to-night have known what was the view taken in regard to them by the Members on both sides of the House, and they would have had some indication of the direction from which a compromise might proceed. It was a remarkable fact that the actual Motion which they were discussing was moved formally by the Secretary to the Board of Education, who did not even favour the House with a speech on the subject, although the debate had gone on since the previous day, and speeches of all kinds had been made from all quarters of the House. Now, at the last moment, when they were approaching the completion of these debates, they had not received the smallest indication from the Government of what were the lines on which the so-called compromise might proceed. Rather late in the day they had had some advocates of compromise on the other side of the House. It had been interesting to observe that while the cheers that had greeted the denunciations of the Lords or attacks upon the denominational system had been general on that side, those who had spoken strongly in advocacy of compromise had found only limited support. It was still more remarkable that not only had the cheers not been numerous which had attended the suggestions of compromise, but that nobody had yet made a practical proposal as to the form the compromise should take. They had had indications in the speech of the President of the Board of Education, but he did not think the right hon. Gentleman would be prepared to argue that they were more than vague and indefinite suggestions. The Chancellor of the Exchequer had denounced the Lords for adopting Amendments which departed from the spirit and principle of the Bill, but he did not in any way define what had been the mischief done by the Lords, and did not make a definite attack on any particular Amendment. Surely, if the Government had really meant that they should approach the consideration of these Amendments with a view to deciding what could be adopted and what must be on their initiative rejected, they would not only have put before the House definite and

clear proposals, but they would have put them in the Bill and sent the Bill in its amended form back to the House of Lords for them to reject or consider as they thought fit. He did not know how far the Government shared the view of some of their supporters that compromise upon this question was desirable. Whatever their views on the point might be they had taken the very worst step in order to arrive at such an end. Remarkable speeches had been made by the hon. Member for North Camberwell and the hon. Member for Northampton. Both had applied themselves to actual educational difficulties, and had spoken with the utmost moderation and an evidently sincere desire that they should arrive at a compromise. But was it decent, was it quite honest to the House, that suggestions of that kind should find their only practical form in the speeches of private Members, and not in the speeches of members of the Government who alone were responsible for the measure and who alone could effect a compromise if they desired it? The best course to secure a compromise would have been for the Government to put their proposals on the Paper. They would then have been in a position to ask the Lords to give their answer to the suggestions. What had been the result of this new and extraordinary policy on the part of the Government? They had had considerable debate in which he believed more supporters of the Government had spoken than Members of his side of the House. He did not mention it as any reproach; it had been the natural result which had followed from the vague and indefinite position in which the House had found itself in regard to these Amendments. Hon. Gentlemen had spoken from the other side of the House, and what had they advocated? They had had more than one speech which was really in support, not of what was called the Government Bill, but a Bill which would have for its object the actual destruction of denominational schools. That was a practical issue, and if the Government had taken that line at all events they would have been in a logical position; but they were unwilling to do that. They adopted a Bill which they told their Nonconformist supporters

would abolish denominational schools, and the next moment they told others that in a large number of cases it would preserve the existing state of things. Some hon. Members, including the hon. Member for North Camberwell, frankly accepted Clause 4 as an exception to what they regarded as an undenominational Bill. What had been the policy of the House of Lords in regard to Clause 4? In Committee in the Commons the hon. Member for North Camberwell had been one of the strongest advocates of making the provisions of Clause 4 mandatory. It was with amazement they had listened to the Minister for Education when he told the House of Commons that the local authorities were not so likely to carry out those duties if they were thrust upon them as if they were left to their own free will. The vast majority of duties which local authorities were called upon to perform were obligatory, and if the local authorities failed to take action Parliament had placed stringent remedies in the hands of the ratepayers. If there was to be such a clause as Clause 4, which was an exception to the general principle of the Bill, and was to provide for denominational schools, then Parliament was bound in honour to the local authorities to give effect to the principle thus expressed by making the clause mandatory, otherwise difficulties and controversies would arise that would overshadow all the other work of the local authorities. In its original form the Bill would have done permanent harm to the local government of the country. The hon. Member for Barnstaple held quite a different view, for he protested against Clause 4 and also against tests for teachers, declaring that they affected the bed-rock of the principles of his Party from which there could be no departure.

MR. SOARES said he accepted Clause 4 as an exception to the Bill.

MR. WALTER LONG said he understood the hon. Member to say definitely that enabling the teachers to give religious instruction, if they so wished, revived the question of tests for teachers, that such tests contravened a fundamental principle of the policy of his Party at the last election, and that they regarded it as vital

to the Bill now. What did it all turn upon? Under the clause as it stood in the original Bill teachers would have been compelled to teach that which they might not be willing to teach. He thought the teachers were well able to hold their own. What the Lords had done did not involve the imposition of tests as generally understood, but merely what they contended was a simple act of justice—giving to the teachers the right to teach as they had taught before. Attacks had been made upon the House of Lords, and many speakers had admitted that they resented the right of the Lords to interfere at all. They had had speeches on various aspects of the question and speeches advocating compromise but there had been no clear attack on the action of the Lords in regard to individual Amendments. The general result of those Amendments, he ventured to say, was one which ought to have secured for the Bill as it had come down to them, he would not say a friendly reception, but at all events a very different one from that which it had experienced. Hon. Gentlemen opposite had advocated compromise on the ground that the Bill did many good things in regard to the general condition of the schools. But surely it could not be denied that the Bill in its present form did many things which hon. Gentlemen opposite had always advocated, and which they had contended would mean a vast alteration in our educational system? It put simple religious teaching within the reach of all. It put an end for ever to payment out of the rates for denominational teaching, and it put an end to the control of managers or trustees in regard to transferred schools. Surely those were things which, if they stood alone, ought to have merited a rather better reception for the Bill than it had received. They did not know what was the result that His Majesty's Government really desired to achieve. Did they desire to initiate an attack on the other House upon this particular ground? If they did, he would suggest that they should take particular notice of the speech of the hon. and learned Member for North Louth. The Government would, at all events, not succeed in casting upon the other House, or upon the supporters and upholders of

the views they had put forward from those benches, the responsibility and the onus of deciding the fate of this measure. That responsibility must rest with the Government and the Government alone. He had no right to express even an opinion as to whether a compromise upon the various points raised was possible or not, but if a compromise was really desired, and if it were possible to arrive at one, the action of the Government had done more than anything else to make compromise impossible.

*THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. BIRRELL, Bristol, N.): The House will believe that it is with a deep sense of reluctance and also with a profound sense of compassion for my audience that I rise once more to inflict a speech, happily not long, on their attention. We have had during these debates some vigorous, one humorous, and some rather half-hearted attempts to inflame the passion of noble Lords in another place by trying to induce them to believe that in some way or other they are insulted by the action of this House. Well, I think noble Lords in another place will be the guardians of their own honour, and will not require to be stirred into angry passions by the advice tendered to them by Gentlemen opposite. The noble Lord the Member for Marylebone spoke of the course we have taken as the maximum of insult and the minimum of effective discussion in this House; the right hon. Gentleman who has just sat down also used some rather strong language on the same subject, and the Leader of the Opposition described the course which we have taken as insulting and offensive, and proceeded to say he did not suppose that the fact that it was insulting and offensive was any reason why it should be less distasteful to us. All I can say is, if I had ever said anything one-fiftieth part so uncivil as that, the right hon. Gentleman would have lectured me for a lapse of taste. I do not mind being lectured by the right hon. Gentleman for a lapse of taste, because I am quite willing to admit that I attach considerable importance to his opinion as an *arbiter elegantiarum*, and I am always willing to learn from anybody, being most anxious to avoid as far as ever I can lapses of taste. But I do think

we are entitled in this House to reciprocity in civility; and to allege as against his Majesty's Government that we should be all the better pleased if the course we took was wholly insulting and offensive was, I think, if I may say so, making no pretence to be an *arbiter elegantiarum*, a lapse of taste on the part of the right hon. Gentleman. We had a humorous speech from the hon. and learned Member for North Louth, who has played many parts in this House. But I do not think he ever played an odder part than to appear as coach or trainer to the House of Lords, in order to instruct that body how to behave when they were insulted by this House. He reminded me most pleasantly of my life at the University, when one's college boat used to be coached from the banks by a gentleman who ran by its side and shouted out to each individual member of the crew some particular fault. The hon. and learned Member seemed to be urging Lord Lansdowne to get more forward, Lord Cawdor not to splash, and Lord Salisbury to remember that it was desirable to keep in time. I can really assure hon. Gentlemen opposite that the Government have no desire whatever in this matter to be offensive or insulting, and I do not think that any reasonable person can allege that the course we took was either the one or the other. It was within the right of the Government, and in accordance with precedent, that we should state at the beginning of the debate what course we proposed to take with regard to each one of their Lordships' Amendments. That was the course which Mr. Gladstone pursued when the Irish Church Bill came down from the other House; he ran through all the Amendments one by one stating which of them he disagreed with—the great majority—the one or two that he accepted, and one or two he thought might be accepted with some modifications. But in this case, the Government came to the conclusion that it was their duty to reject them all. I do not know that the House of Lords would have found their situation any better if, after the resolutions had been gone through *seriatim*, we got up at the end of each Amendment and stated that we rejected it. The result would be exactly the same. The rejection of all the Amendments in-

dividually is, after all, just the same thing as a general denial of the Amendments as a whole. At all events I cannot conceive that any assembly who wished to complain of disrespectful treatment would find much difference between the one course and the other. During the course of the debate I confess I have often asked myself what line it would have taken if, after a general statement of the intention of the Government to oppose each one of their Lordships' Amendments.—[An HON. MEMBER: Including the Government ones?]—we had proposed to treat them *seriatim*. I had never any objection to treating them *seriatim*; the Minister in charge of a Bill—I think it is a rule almost without exception—is always in favour of pursuing the ordinary course. I have never found the Minister in charge of a Bill in favour of guillotine by compartments. He is always desirous, naturally enough, to keep down the temperature of Gentlemen opposite with whom he has to live days and weeks in contest, and he never has any desire whatever to make them more than necessarily angry. The champion of the Bill after a bit gets accustomed to it, and to believe in it and to become persuaded that there is no occasion for him to be frightened by the mighty prowess of hon. Gentlemen opposite him. Therefore I should not have regretted if the ordinary course had been adopted, and it had been possible for us to come to some arrangement whereby we should have considered the Amendments one by one. Certainly I have considered them one by one, and I should have had no difficulty in making out a case against them, at least to my own satisfaction. Consequently I am persuaded that we should have had just the same arguments, if arguments they could be called, whatever course the Government might have taken in the matter. Hon. Gentlemen opposite have had as much time as they wanted for the discussion of the Amendments. It is true that four days were suggested for the purpose, and the Government have no intention or desire of interfering in any way with those four days. Hon. Gentlemen opposite, I agree, have selected particular Amendments for their comments. Indeed the only thing, it seems

to me, that we have been spared by the course which has been adopted is a number of divisions, in which no doubt the supporters of the Government would have displayed in the lobbies that loyalty which has characterised them all through these proceedings. I say again the Government had no intention whatever of being disrespectful to the House of Lords in adopting this course. After all, it was a wiser and better course than the other course of getting rid of the Amendments all at once by deciding to discuss them this day three months, which would have destroyed all possibility of a compromise. We have had a very interesting debate. The difficulty I find in dealing with it is that hon. Members opposite have put forward different solutions of a very difficult question, and solutions which have been ruled out of consideration both in this House and in the House of Lords. For example, there was a great deal of talk about the first Amendment to Clause 1. I confess that when it was moved I did not know quite what it meant. I thought first it was a desire on the part of the Lords to secure that every local authority should have a religious syllabus in accordance with the Cowper-Temple rule. But I noticed that the Amendment received the support of one or two Bishops who are most opposed to the idea of Cowper-Temple religion, as it is sometimes called; and, indeed, one of them assured me personally that when he voted for it he by no means considered he was voting for Cowper-Templeism. Then we have the interpretation put upon it by the noble Lord the Member for East Marylebone, who said that in every public elementary school religion ought to be taught. That was his major premise. His minor premise was that the children should be taught the religion which their parents selected, and the conclusion was that in every public elementary school every child should have the opportunity of being taught the religion of his parent. That is a logical position. I do not quarrel with it. Indeed, I admit there was a time when I entertained that opinion myself. What it amounts to is entry into all schools. As I have said, both before I became Education Minister, and for some considerable time after, I did

hanker for a solution of that kind. It was only when I was brought into personal contact and argumentative collision with the people who are doing the educational work of this country that I found, very reluctantly, how impossible it is; and the final sense of that impossibility was driven home to my mind when I was present in the House of Lords and heard the question debated on the Amendment of Lord Balfour of Burleigh—a Scotsman—who argued in favour of facilities of entry all round. Anyone who has spent much time in public assemblies acquires the instinct of perceiving what is running through men's minds, and if ever the emotion of hostility was expressed it ran through the House of Lords that night, and it became so plainly manifest that Lord Lansdowne, who was willing to entertain the idea, found that opinion was entirely against him. To-night we have had a forcible and clear speech from the hon. Member for Great Grimsby; the other night we had an equally clear and forcible speech from him in which he protested against the idea of bringing discord where peace has hitherto prevailed. "We have had peace in the county council schools," said he; "you have had contention elsewhere; whatever you do, do not transplant your discord to our peaceful schools." What sort of reception would the Bill have had, in this House or in another place, if it had been founded on the notion that it is possible, practicable, expedient, and desirable to introduce into the schools religious teaching in accordance with the wishes of each individual parent? It must have been doomed to failure. The noble Lord thinks otherwise. Four years ago I should have shared his opinion. I have since had to part company with him reluctantly, because of my experience of the general feeling of the country. This Amendment is often spoken of as if it were simply a desire to make all the council schools in the country have an undenominational religious syllabus, when everyone knows that the Amendment would really have introduced facilities all round in all the schools. ["No."] What other interpretation can be put upon the words? Some part of the day is to be set apart for religious instruction, which means

religious instruction in accordance with the wishes of the parents. [Cries of "Not necessarily."] When the Bishop of Birmingham voted for that Amendment, he did not suppose that he was simply enforcing an essentially undenominational syllabus. If that were the meaning of the Amendment I should certainly agree that it was a most desirable thing to be accomplished, although I should have a lurking doubt whether good could possibly result from it, because if the authority did not wish to do it, how could I *mandamus* the authority on the insufficiency of religious instruction? If the clause is limited in the way now suggested, all I can say is that I have seen some very bad Amendments, and have moved many myself, but I never saw a worse clause than this, if all that it means is that undenominational religion on Cowper-Temple lines should be given in all council schools. The idea of facilities all round has passed away. That solution has for ever departed. [Cries of "No."] Yes. It was ruled out of consideration by the House of Lords, and you cannot have your House of Lords both ways. Then we had another view presented about the right of the parent. Now it is monstrous to say that the State stands *in loco parentis* to children attending a day school, where he only goes five days a week from nine to four. It cannot be put so high as that. Attention has often been drawn in the country to the analogy of what is done in industrial schools and places of that sort, where owing to the default of the parent the children are taken away from the parent and are put into schools where they have no holidays, and where they live all the days of the week, and all the hours of the day. In the cases of those children the State does recognise an obligation. It endeavours to find out what was the religion of the parent—a very melancholy inquiry, I am afraid, in many cases—and they do somehow find out, and they divide the children accordingly into Catholics and Protestants, and sometimes they make further distinctions. But there is no similarity between cases of that kind, where the State has assumed the whole responsibility for the child, and the case of the ordinary child living

at home. Because the State says to a father: "You have to send your child to a school where he shall be taught the three R.'s, and you shall have that education for nothing," can it be said that the father, therefore, should have the right to insist on his child being taught his own particular religion? Nobody looking back on his own life would claim that such religion as he may be fortunate enough to possess was derived from the rudimentary training he got in school. You may enter the Kingdom of Heaven without knowing the Kings of Israel. I am a strong advocate for religion having a place in the schools simply because there are a great number of people who do not care a snap of their fingers whether their children get any religious teaching at all either at school or elsewhere. It would be a great misfortune for these poor derelicts if they were to be left without any religious training. It is only reasonable to bear these things in mind when you are considering a question of this kind. It is the poor derelict children for whom I urge the necessity that provision should be made in the day school, with its humanising influence, and there is no justification in attempting to seize the opportunity to make them denominationalists. The opportunity should rather be taken to give them the chance of learning religious ideas and thoughts which will enable them as they grow older to develop if they please into denominationalists. I am speaking in the presence of the noble Lord, and I am not ashamed to say that you can be a Christian even though you do not belong to any denomination. Another subject is the case of the teachers. I wish to answer the fair question put to me by the hon. Member for Grimsby. He wanted to know how by any possibility we can justify the forbidding the teacher in the transferred school to teach religion. I do not want to press that case too far at the present moment, but I say that you must remember that the clause provides only for facilities to be given to those children whose parents desire it. Every one who knows as much about schools as the hon. Member does is aware that if you give to the regular teacher the opportunity of teaching

you are not holding the balance evenly between the different sects and denominations. I do not think that any one who has any practical acquaintance with schools will doubt the statement that the children will follow the teacher. I do not think it does the child much harm to be taught the Catechism and the Prayer-book. You can survive that. But it is a question of justice between the various religious bodies, for whichever body gets the regular teacher turns the school into a denominational school. An interesting speech was made by the hon. Member for Merthyr Tyvil about secular education. The hon. Member pointed out with great truth that all these difficulties into which we are getting had swelled the ranks of those who demanded the secular solution. He himself is an adherent of the Christian faith. I am not surprised to hear it, because a Socialist without Christianity behind him will not, in my opinion, make much progress in this world. The hon. Member also gave the Liberal Party advice, and he told us that if we had taken our courage in both hands and had brought in a Bill based on the secular solution we should have achieved a great victory. If we had taken any such course we should have had a thorough good thrashing in this House. The hon. Member for East Mayo rather suggested that hon. Members opposite were anxious to drive the Liberal Party into the secular solution in order that when we dismounted from the good horse Religious Instruction, they should get on it themselves and clapping spurs to its sides gallop all over the country, hoisting even the flag of Cowper-Templeism. I am quite certain that a great number of the convinced supporters of the right hon. Gentleman opposite could take that course quite honestly and with great success, and the public-house keepers, especially at the time when they were frightened for their licences, would bellow for open Bibles. With reference to Clause 4 hon. Gentlemen opposite have referred to it again and again. Clause 4 we adhere to, and I can only say I was perfectly honest in my belief that Clause 4, even in the form it left this House, was a possible, useful, and good clause. I do not deny that now I do think weak points, holes, have been

found in its armour in one or two particulars, and so far as I am concerned I am anxious to do all a man can do to remove all reasonable objections to that clause in order to make it frankly a denominational clause. I do not agree for one moment that it is a clause which will only benefit the Roman Catholics and the Jews. I think a good many wise and astute members of the Church of England think also that the clause offers opportunities which will very often secure to them their denominational teaching under circumstances which I think would justify them in retaining it. I really do not wish hon. Gentlemen opposite should rub Clause 4 into us so much and say, "How can you maintain that you have abolished tests for teachers when you have that clause in the Bill?" If it is a good clause you need not be so mightily concerned; if we have not fulfilled the whole of our intentions; if we have only fulfilled nine-tenths, we have shown you a very remarkable example. I desire to say that I earnestly do hope that the House of Lords will not take umbrage at the course we have pursued. You say perhaps they are entitled to do so. If they do, I should deeply regret it. You cannot argue with a person who thinks he has been wrongly treated. He will probably go on thinking so to the end of time. But again, I say for the last time, we had no such intention in our mind as that of inflicting any sort of insult or injury on the House of Lords or in any way dealing disrespectfully with that House, which has certain constitutional rights which at any rate we cannot object to at the present moment. I trust that any feeling they may have will not be inflamed by anything which has been said on either side of the House during the course of this debate. I believe this Bill can still be saved by some degree of concession—mutual concession. My right hon. friend the Prime Minister has indicated the sort of things, and the sort of ways in which we are prepared to consider concessions, both as to Clause 4 and as to the modification in some way or another of the position of teachers under Clause 3. But the noble Lord the Member for Chorley puts it to me that we were bound to place on the Table of the House in black

and white exactly what Amendments we were prepared to accept.

LORD BALCARRES. I merely said the House would not understand the speech of the right hon. Gentleman until they saw his concession in black and white.

*MR. BIRRELL: That is the same thing. I do not pretend to be a diplomatist or a negotiator of any skill. I am a plain, blunt man who gets into trouble, as we all know, for the way he speaks to the Jews and other persons, but I have had some experience in my life of adjusting negotiations which led to settlements, and I have never known them conducted in open Court with the Judge on the bench, the jury in the box, and the reporters in the gallery. The Government and their followers do not share the views that have been expressed as to the inherent wickedness of the Bill as it left this House, though it may be capable of improvement. I say, therefore, it would not be wise or desirable, having regard to the feelings of all good Liberals throughout the country, that we should say we are going to make such and such concessions without any knowledge of the spirit or the manner in which they were going to be received. I think we have already gone a very considerable length to prove our perfect good faith, and to prove that we do anxiously desire, in the interests of education and in the interest of the country, that a true and wise solution may come out of the present controversy.

MR. A. J. BALFOUR: I am not going to detain the House by another long speech on education. I am conscious of having trespassed on their patience twice already, and I am not going to add anything on the general merits of the question. I rise to speak only for five minutes as to my view of the effect on the situation of the speech we have just heard. The right hon. Gentleman has made an interesting speech, a good-natured speech, a humorous speech, and a speech in which there was almost every excellent quality except that it is not a speech which conduces, or can conduce, to a peaceful and satisfactory solution. He has not discussed the

Amendments which came down to us from the Lords, and which are about to be rejected in so contemptuous a fashion. There is but one of those Amendments to which he has alluded in any way in detail, and that Amendment he totally misunderstood. He has completely misrepresented and totally misunderstood it—of course, misrepresented because he has misunderstood—for his *bona fides* is beyond question. I have listened with great admiration, but with profound depression, to his speech. It is the speech of a Minister and a Government who desire to kill the Bill with which they are dealing. We have heard one Member after another during the evening—at least, before dinner, but not so much since—begging for arrangement, compromise, conciliation—something which might enable an Education Bill to pass through Parliament this session. How is it possible if the matter is treated thus that any such hope can be realised? The right hon. Gentleman has in no sense attempted to deal with the Lords' Amendments. He has told us that he objects to every single one of them, and that he would have moved to disagree with every one if they had been taken *seriatim*, including, therefore, those moved by his own Party and those carried by the consent of his own Government. He and his friends have adopted a method of dealing with the Amendments which can hold out to no man who is acquainted with Parliamentary procedure the slightest hope. By the substance, not by the temper of his speech, and by the Resolution in support of which he spoke, the right hon. Gentleman has sent back the Bill from the House of Commons with a challenge. I had anticipated a completely different speech from that to which we have listened. I did not anticipate a better speech, but a different speech; and if the natural result is the loss of the Bill the responsibility is not with another place, but will rest with the Government, who have deliberately, by the methods they have adopted, prevented the possibility of arrangement.

THE CHANCELLOR OF THE EXCHEQUER (MR. ASQUITH, Fife, E.): I do not propose to intervene for more than a moment between the House and the division, but I would ask all upon

both sides who are really interested in the settlement of this great controversy to mark the note of difference between the speech of my right hon. friend, than which no one has ever heard a speech on this question more full of gracious and conciliatory spirit, so temperate in its presentation of argument, less calculated to give offence, more well adapted to attain accommodation—if accommodation were really desired—and the speech which has just been delivered by the Leader of the Opposition. I wish to say

on behalf of the Government before we come to this division our last word, which is this. If, contrary to our hopes and desire, we are unable to attain a permanent and workable solution of this long and embittered controversy, the responsibility for wrecking it lies with the right hon. Gentleman.

Question put.

The House divided:—Ayes, 416; Noes, 107. (Division List No. 492)

AYES.

Abraham, William (Rhondda)
Adkins, W. Ryland D.
Agnew, George William
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Allen, Charles P. (Stroud)
Ambrose, Robert
Armitage, R.
Armstrong, W. C. Heaton
Ashton, Thomas Gair
Asquith, Rt. Hon. Herbert Henry
Astbury, John Meir
Atherley-Jones, L.
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barker, John
Barlow, John Emmott (Som'rs't)
Barlow, Percy (Bedford)
Barnard, E. B.
Barnes, G. N.
Barran, Rowland Hirst
Barry, E. (Cork, S.)
Beauchamp, E.
Beaumont, Hn. H. (Eastbourne)
Beaumont, Hn. W. C. B. (Hxham)
Beck, A. Cecil
Bell, Richard
Bellairs, Carlyon
Benn, Sir J. Williams (Devonp't)
Benn, W. (T'w'r Hamlets, S. Geo.)
Bennett, E. N.
Berridge, T. H. D.
Bethell, Sir J. H. (Essex, Romf'd)
Bethell, T. R. (Essex, Maldon)
Billson, Alfred
Birrell, Rt. Hon. Augustine
Black, Arthur W. (Bedfordshire)
Boland, John
Boulton, A. C. F. (Ramsey)
Bowerman, C. W.
Brace, William
Bransdon, T. A.
Branch, James
Brigg, John
Bright, J. A.
Brocklehurst, W. B.
Brodie, H. C.
Brooke, Stopford
Brunner, Rt. Hon. Sir J. T. (Cheshire)
Bryce, Rt. Hon. James (Aberdeen)

Bryce, J. A. (Inverness Burghs)
Buchanan, Thomas Ryburn
Burke, E. Haviland
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Burt, Rt. Hon. Thomas
Buxton, Rt. Hon. Sydney Charles
Byles, William Pollard
Cairns, Thomas
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hon. Richard Knight
Cawley, Sir Frederick
Chance, Frederick William
Channing, Sir Francis Allston
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Winston Spencer
Clancy, John Joseph
Clarke, C. Goddard
Cleland, J. W.
Clough, William
Coats, Sir T. Glen (Renfrew, W.)
Cobbold, Felix Thornley
Cogan, Denis J.
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W.)
Condon, Thomas Joseph
Cooper, G. J.
Corbett, CH. (Sussex, E. Grinst'd)
Cornwall, Sir Edwin A.
Cory, Clifford John
Cotton, Sir H. J. S.
Cowan, W. H.
Cox, Harold
Craig, Herbert J. (Tynemouth)
Crean, Eugene
Cremer, William Randal
Crombie, John William
Crooks, William
Crosfield, A. H.
Dalziel, James Henry
Davies, David (Montgomery Co.)
Davies, Ellis William (Eifion)
Davies, Timothy (Fulham)
Davies, W. Howell (Bristol, S.)
Delany, William
Dewar, Arthur (Edinburgh, S.)
Dewar, John A. (Inverness-sh.)
Dickinson, W. H. (St. Pancras, N.)
Dickson-Poynder, Sir John P.
Dilke, Rt. Hon. Sir Charles
Dillon, John

Dobson, Thomas W.
Dolan, Charles Joseph
Donelan, Captain A.
Duncan, C. (Barrow-in-Furness)
Duncan, J. H. (York, Otley)
Dunn, A. Edward (Camborne)
Dunne, Major E. Martin (Walsall)
Edwards, Clement (Denbigh)
Edwards, Enoch (Henley)
Edwards, Frank (Radnor)
Elibank, Master of
Ellis, Rt. Hon. John Edward
Erskine, David C.
Esmonde, Sir Thomas
Essex, R. W.
Evans, Samuel T.
Eve, Harry Trelawney
Everett, R. Lacey
Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Fiennes, Hon. Eustace
Findlay, Alexander
Flavin, Michael Joseph
Foster, Rt. Hon. Sir Walter
Fowler, Rt. Hon. Sir Henry
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh
Gibb, James (Harrow)
Gilhooly, James
Gill, A. H.
Ginnell, L.
Gladstone, Rt. Hon. Herbert John
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Grant, Corrie
Greenwood, G. (Peterborough)
Grey, Rt. Hon. Sir Edward
Griffith, Ellis J.
Guest, Hon. Ivor Churchill
Gulland, John W.
Gurdon, Sir W. Brampton
Gwynn, Stephen Lucius
Hall, Frederick
Halpin, J.
Hammond, John
Harcourt, Rt. Hon. Lewis
Hardie, J. Keir (Merthyr Tydvil)
Harmsworth, Cecil B. (Worc'r)
Harmsworth, R. L. (Caithness-sh)

Mr. Asquith.

Harrington, Timothy
 Hart-Davies, T.
 Harvey, A. G. C. (Rochdale)
 Harwood, George
 Haslam, James (Derbyshire)
 Haslam, Lewis (Monmouth)
 Haworth, Arthur A.
 Hayden, John Patrick
 Hazel, Dr. A. E.
 Hedges, A. Paget
 Helme, Norval Watson
 Hemmerde, Edward George
 Henderson, Arthur (Durham)
 Henderson, J. M. (Aberdeen, W.)
 Henry, Charles S.
 Herbert, Colonel Ivor (Mon., S.)
 Herbert, T. Arnold (Wycombe)
 Higham, John Sharp
 Hobart, Sir Robert
 Hobhouse, Charles E. H.
 Hodge, John
 Hogan, Michael
 Holden, E. Hopkinson
 Holland, Sir William Henry
 Hooper, A. G.
 Hop, W. Bateman (Somerset, N)
 Howard, Hon. Geoffrey
 Hudson, Walter
 Hutton, Alfred Eddison
 Hyde, Clarendon
 Idris, T. H. W.
 Illingworth, Percy H.
 Isaacs, Rufus Daniel
 Jackson, R. S.
 Jacoby, Sir James Alfred
 Jardine, Sir J.
 Johnson, John (Gateshead)
 Johnson, W. (Nuneaton)
 Jones, Leif (Appleby)
 Jowett, F. W.
 Joyce, Michael
 Kearley, Hudson E.
 Kekewich, Sir George
 Kennedy, Vincent Paul
 Kincaid-Smith, Captain
 King, Alfred John (Knutsford)
 Laidlaw, Robert
 Lamb, Ernest H. (Rochester)
 Lambert, George
 Lamont, Norman
 Law, Hugh A. (Donegal, W.)
 Layland-Barratt, Francis
 Leese, Sir Joseph F. (Accrington)
 Lehmann, R. C.
 Lever, A. Levy (Essex, Harwich)
 Levy, Maurice
 Lewis, John Herbert
 Lloyd-George, Rt. Hon. David
 Lough, Thomas
 Linton, W.
 Lipton, Arnold
 Lyttrell, Hugh Fowkes
 Lyell, Charles Henry
 Lynch, H. B.
 Macdonald, J. M. (Falkirk B'ghs)
 Mackarness, Frederic C.
 Maclean, Donald
 Macnamara, Dr. Thomas J.
 MacNeill, John Gordon Swift
 MacVeagh, Jeremiah (Down, S.)
 MacVeigh, Charles (Donegal, E.)
 M'Arthur, William
 M'Callum, John M.

M'Case, George
 M'Kean, John
 M'Laren, Sir C. B. (Leicester)
 M'Laren, H. D. (Stafford, W.)
 M'Micking, Major G.
 Maddison, Frederick
 Mallet, Charles E.
 Mansfield, Harry (Northants)
 Mansfield, H. Randall (Lincoln)
 Markham, Arthur Basil
 Marks, G. Croydon (Launceston)
 Marnham, F. J.
 Massie, J.
 Masterman, C. F. G.
 Meagher, Michael
 Meehan, Patrick A.
 Micklem, Nathaniel
 Molteno, Percy Alport
 Montagu, E. S.
 Mooney, J. J.
 Morgan, G. Hay (Cornwall)
 Morgan, J. Lloyd (Carmarthen)
 Morley, Rt. Hon. John
 Morrell, Philip
 Morse, L. L.
 Morton, Alpheus Cleophas
 Murnaghan, George
 Murphy, John
 Myer, Horatio
 Nannetti, Joseph P.
 Newnes, F. (Notts, Bassetlaw)
 Newnes, Sir George (Swansea)
 Nicholls, George
 Nicholson, Charles N. (Doncas'r)
 Nolan, Joseph
 Norman, Sir Henry
 Norton, Capt. Cecil William
 Nussey, Thomas Willans
 Nuttall, Harry
 O'Brien, Kendal (Tipperary Mid)
 O'Brien, Patrick (Kilkenny)
 O'Connor, John (Kildare, N.)
 O'Connor, T. P. (Liverpool)
 O'Doherty, Philip
 O'Donnell, C. J. (Walworth)
 O'Donnell, John (Mayo, S.)
 O'Donnell, T. (Kerry, W.)
 O'Grady, J.
 O'Hare, Patrick
 O'Kelly, James (Roscommon, N)
 O'Malley, William
 O'Mara, James
 O'Shaughnessy, P. J.
 Partington, Oswald
 Paul, Herbert
 Paulton, James Mellor
 Pearce, Robert (Staffs. Leek)
 Perks, Robert William
 Philipps, Col. Ivor (S'thampton)
 Philipps, J. Wynford (Pembroke)
 Pickersgill, Edward Hare
 Pirie, Duncan V.
 Pollard, Dr.
 Power, Patrick Joseph
 Price, C. E. (Edinburgh, Central)
 Price, Robert John (Norfolk, E.)
 Priestley, Arthur (Grantham)
 Priestley, W. E. B. (Bradford, E.)
 Radford, G. H.
 Raa, Russell (Gloucester)
 Raa, Walter Russell (Scarboro')
 Reddy, M.
 Redmond, John E. (Waterford)

Redmond, William (Clare)
 Randall, Athelstan
 Ranton, Major Leslie
 Richards, Thomas (W. Monm'h)
 Richards, T. F. (Wolverhampton)
 Richardson, A.
 Rickett, J. Compton
 Ridsdale, E. A.
 Roberts, Charles H. (Lincoln)
 Roberts, G. H. (Norwich)
 Roberts, John H. (Denbighs.)
 Robertson, Rt. Hon. E. (Dundee)
 Robertson, Sir G. Scott (Bradford)
 Robinson, S.
 Robson, Sir William Snowdon
 Roe, Sir Thomas
 Rogers, F. E. Newman
 Rowlands, J.
 Runciman, Walter
 Russell, T. W.
 Rutherford, V. H. (Brentford)
 Samuel, Herbert L. (Cleveland)
 Samuel, S. M. (Whitechapel)
 Scarisbrick, T. T. L.
 Schwann, C. Duncan (Hyde)
 Schwann, Sir C. E. (Manchester)
 Scott, A. H. (Ashton-under-Lyne)
 Sears, J. E.
 Seaverns, J. H.
 Seddon, J.
 Seely, Major J. B.
 Shackleton, David James
 Shaw, Charles Edw. (Stafford)
 Shaw, Rt. Hon. L. (Hawick B.)
 Sheehy, David
 Sherwell, Arthur James
 Shipman, Dr. John G.
 Silcock, Thomas Ball
 Simon, John Allsebrook
 Sinclair, Rt. Hon. John
 Sloan, Thomas Henry
 Smeaton, Donald Mackenzie
 Smyth, Thomas F. (Leitrim, S.)
 Snowden, P.
 Soames, Arthur Wellesley
 Soares, Ernest J.
 Spicer, Sir Albert
 Stanger, H. Y.
 Stanley, Hn. A. Lyulph (Chesh.)
 Steadman, W. C.
 Stewart, Halley (Greenock)
 Stewart-Smith, D. (Kenal)
 Strachey, Sir Edward
 Straus, B. S. (Mile End)
 Strauss, E. A. (Abingdon)
 Sullivan, Donald
 Summerbell, T.
 Taylor, John W. (Durham)
 Taylor, Theodore C. (Ridcliff)
 Tennant, Sir Edward (Salisbury)
 Tennant, H. J. (Berwickshire)
 Tonaas, Abel (Carmarthen, E.)
 Thomas, Sir A. (Glamorgan, E.)
 Thomsson, Franklin
 Thompson, J. W. H. (Somerset, E)
 Thorne, William
 Tillet, Louis John
 Tomkinson, James
 Toulmin, George
 Trevelyan, Charles Philip
 Ure, Alexander
 Verney, F. W.
 Villiers, Ernest Amherst

Walker, H. De R. (Leicester)
Wallace, Robert
Walsh, Stephen
Walters, John Tudor
Walton, Sir John L. (Leeds, S.)
Walton, Joseph (Barnsley)
Ward, John (Stoke-upon-Trent)
Ward, W. Dudley (Southampt'n)
Warner, Thomas Courtenay T.
Wason, Eugene (Clackmannan)
Wason, John Cathcart (Orkney)
Waterlow, D. S.
Watt, H. Anderson
Wedgwood, Josiah C.

Weir, James Galloway
Whitbread, Howard
White, George (Norfolk)
White, J. D. (Dumbartonshire)
White, Luke (York, E.R.)
White, Patrick (Meath, North)
Whitley, J. H. (Halifax)
Whittaker, Sir Thomas Palmer
Wiles, Thomas
Williams, J. (Glamorgan)
Williams, Llewellyn (Carm'th'n)
Williams, Osmond (Merioneth)
Williamson, A.
Wills, Arthur Walters

Wilson, Henry J. (York, W.R.)
Wilson, John (Durham, Mid)
Wilson, J. H. (Middlesbrough)
Wilson, J. W. (Worcestersh. N.)
Wilson, P. W. (St. Pancras, S.)
Wilson, W. L. (Westthroughton)
Winfrey, R.
Wood, T. M'Kinnon
Yoxall, James Henry

TELLERS FOR THE AYES—Mr.
Whiteley and Mr. J. A.
Pease.

NOES.

Anson, Sir William Reynell
Anstruther-Gray, Major
Arkwright, John Stanhope
Balcarras, Lord
Balfour, Rt. Hon. A. J. (City Lond.)
Balfour, Capt. C. B. (Hornsey)
Banbury, Sir Frederick George
Banner, John S. Harmood-
Barrie, H. T. (Londonderry, N.)
Beach, Hn. Michael Hugh Hicks
Beckett, Hon. Gervase
Bigbold, Sir Arthur
Bowles, G. Stewart
Boyle, Sir Edward
Bridgeman, W. Clive
Bull, Sir William James
Burdett-Coutts, W.
Butcher, Samuel Henry
Carlile, E. Hildred
Carson, Rt. Hon. Sir Edw. H.
Cave, George
Cavendish, Rt. Hon. Victor C. W.
Cecil, Evelyn (Aston Manor)
Cecil, Lord John P. Joicey-
Cecil, Lord R. (Marylebone, E.)
Chamberlain, Rt. Hn. J. A. (Worc.)
Cochrane, Hon. Thos. H. A. E.
Collings, Rt. Hn. J. (Birmingham)
Corbett, T. L. (Down, North)
Craig, Captain James (Down,)
Dixon-Hartland, Sir Fred Dixon
Doughty, Sir George
Douglas, Rt. Hon. A. Akers-
Du Cros, Harvey
Duncan, Robert (Lanark, Govn)
Faber, George Denison (York)
Faber, Capt. W. V. (Hants, W.)

Fell, Arthur
Finch, Rt. Hon. George H.
Fletcher, J. S.
Forster, Henry William
Gardner, Ernest (Berks, East)
Gibbs, G. A. (Bristol, West)
Haddock, George R.
Hamilton, Marquess of
Hardy, Laurence (Kent, Ashfrd)
Harrison-Broadley, Col. H. B.
Healy, Timothy Michael
Heaton, John Henniker
Helmsley, Viscount
Hervey, F. W. F. (Bury S. Edm'ds)
Hills, J. W.
Hornby, Sir William Henry
Houston, Robert Paterson
Hunt, Rowland
Kennaway, Rt. Hon. Sir John H.
Kenyon-Slaney, Rt. Hon. Col. W.
Kewick, William
King, Sir Henry Seymour (Hull)
Lambton, Hon. Frederick Wm.
Lane-Fox, G. R.
Lee, Arthur H. (Hants, Fareh'm)
Liddell, Henry
Long, Col. Charles W. (Evesham)
Long, Rt. Hn. Walter (Dublin, S.)
Lonsdale, John Brownlee
Lowe, Sir Francis William
Lyttelton, Rt. Hon. Alfred
Magnus, Sir Philip
Marks, H. H. (Kent)
Mason, James F. (Windsor)
Meysey-Thompson, E. C.
Morpeh, Viscount
Nicholson, Wm. G. (Petersfield)

Nield, Herbert
O'Brien, William (Cork)
O'Neill, Hon. Robert Torrens
Pease, Herbert Pike (Darlingt'n)
Percy, Earl
Powell, Sir Francis Sharp
Ratcliff, Major R. F.
Rawlinson, John Frederick Peel
Roberts, S. (Sheffield, Eccleshall)
Roche, Augustine (Cork)
Rutherford, John (Lancashire)
Rutherford, W. W. (Liverpool)
Salter, Arthur Clavell
Scott, Sir S. (Marylebone, W.)
Smith, Abel H. (Hertford, East)
Smith, F. E. (Liverpool, Walton)
Smith, Hon. W. F. D. (Strand)
Stanley, Hon. Arthur (Ormskirk)
Starkey, John R.
Staveley-Hill, Henry (Staff'sh.)
Talbot, Lord E. (Chichester)
Talbot, Rt. Hn. J. G. (Oxf'd Univ.)
Thomson, W. Mitchell- (Lanark)
Thornton, Percy M.
Tuke, Sir John Batty
Walrond, Hon. Lionel
Warde, Col. C. E. (Kent, Mid)
Williams, Col. R. (Dorset, W.)
Wilson, A. Stanley (York, E.R.)
Wolf, Gustav Wilhelm
Wortley, Rt. Hon. C. B. Stuart
Wyndham, Rt. Hon. George
Younger, George

TELLERS FOR THE NOES—Sir
Alexander Acland-Hood and
Viscount Valentia.

Committee appointed to draw up
Reasons to be assigned to the Lords for
disagreeing to their Amendments to the
Bill.

Committee nominated of, Mr. Attorney-
General, Mr. Birrell, Sir Henry Campbell-
Bannerman, Mr. Chancellor of the Ex-
chequer, Sir Henry Fowler, Mr. Lloyd-
George, and Mr. Lough.

Three to be the quorum.

To withdraw immediately.

PROCEDURE ON DIVISIONS.

Resolved, "That (1) If the opinion of
the Speaker or Chairman as to the
decision of a Question is challenged he
shall direct that the lobby be cleared.
(2) After the lapse of two minutes from
this direction he shall put the Question
again, and, if his opinion is again
challenged, he shall nominate tellers.
(3) After the lapse of six minutes from
this direction he shall direct that the
doors giving access to the division lobbies
be locked."—(Sir H. Campbell-Bannerman.)

Motion made and Question proposed—

“(1) A Member may vote in a division although he did not hear the Question put. (2) A Member is not obliged to vote.”—(*Sir H. Campbell Bannerman.*)

MR. WILLIAM RUTHERFORD (Liverpool, West Derby) said the effect of this Standing Order would be to enable Members to vote upon any Question in the House, although they might not have been present when the Question was put. His Amendment would provide that in order to qualify to vote a Member must either be in the House itself or in one or other of the two division lobbies at the time the Question was actually put. He considered that the Amendment was a most important one. For the first time during the centuries that this House had been in existence, and for the first time in any House of representatives in the whole world, it would become possible under this new Standing Order for a Member to vote although he had not been present when the Question was put from the Chair, and had not heard a single word of discussion. Sir Erskine May laid it down that—

“Any member who desires to vote is required to be present when the Question is put from the Chair either the first or the second time.”

It was only a matter of common sense that no Member should be allowed to vote unless he had heard the Question put. In the past this had been the universal practice. How could any hon. Member give an intelligent vote upon any Question if he had not had any opportunity of hearing what the Question was upon which he was voting? On one occasion the question was raised in reference to a place just outside the doors behind the Speaker's chair. The Question was asked whether a Minister who happened to be on his way from his own room when the Question was put a second time could vote, and it was decided that as he was out of the House at the time the Question was put his vote could not be recorded. There was another notable case in which, after the numbers had been reported by the tellers, notice was taken that several Members had voted who had not been in the House when the Question was put. They were then ordered by the Speaker to stand up, and their names were struck off the Ayes

and Noes respectively and the Speaker altered the numbers reported to the House. In another instance notice was taken of a Member who had voted on the previous day without hearing the Question put, and it was decided that the Member had no right to vote and his name was struck off and the record altered. In 1836 a Member admitted to the House that on the previous day he had voted although he had not heard the Question put, and Mr. Speaker ordered the record to be altered and his vote struck off. In 1855 three Members who had voted had their votes disallowed because they were outside the folding doors behind Mr. Speaker's chair when the Question was put. He could quote many other decisions in which it was held that the side lobbies and behind Mr. Speaker's chair were not considered as being within the House, and the general understanding was that it was absolutely necessary for a Member to be in the House and hear the Question put if he wished his vote to be recorded. The law of Parliament had been that whenever a breach of this regulation had been discovered during a division it was put right immediately, and sometimes it was put right even on the following day. It was obvious that as the regulations stood to-day any one could get up and challenge the Vote of any hon. Member who had not heard the Question put, and upon that challenge being substantiated the vote must be struck off. A remedy had always existed in the case of a Member who, from an accident or otherwise, had not been able to hear the Question put. Under those circumstances the Member had a right to enter the House and whilst the division lobbies were still open he could demand from the Speaker that the Question should be put again. What had happened since this new system of taking divisions had been adopted? He had seen hon. Members over and over again coming through the doors and even in the lobby itself ask what Question they were voting upon and he had heard the reply, “Blowed if I know.” Sometimes he had heard similar but somewhat stronger replies. He did not think that was a creditable state of things. It ought not to be possible for a Member to come into the House and vote when he had not heard a word of the discussion, when possibly he had

been playing dominoes or something of that kind, and consequently knew nothing at all about the point which was being decided. Speakers of this House had always put the Question twice. If this Standing Order was adopted in defiance of the practice of the House for centuries, and in defiance of common sense and ordinary justice, the effect would be that other assemblies which had been proud to follow the practice of the House of Commons would regard the Order on this particular point as a piece of nonsense. What had the Government got to gain by it? They had everything to gain by it, because when a division was to be taken on some of the pernicious legislation which they brought forward they would be able to rely on a battalion of Radicals from the outside, who did not know and did not care what the question was, who would be driven—and even, it might be, personally threatened by their whips—into one or other of the division lobbies. He objected to the new Standing Order in the preposterous shape in which it was proposed.

*MR. SPEAKER: The Amendment of the hon. Member is really a direct negative of the Standing Order proposed by the Prime Minister, and therefore, is not in order, although the hon. Member is perfectly entitled to speak against the Standing Order.

*THE FIRST COMMISSIONER OF WORKS (Mr. HARCOURT, Lancashire, Rossendale) said he gathered from the information which had reached him during the session that the House was satisfied with the new system of divisions and not anxious to return to the old one. The circumstances which the hon. Member for the West Derby Division of Liverpool had outlined as to Members passing into the division lobbies without hearing the Question put was not one peculiar to the new system of procedure. It was a system with which he himself had been long familiar, though the hon. Member had been so assiduous in his attendance that he had probably never missed the putting of the Question.

MR. WILLIAM RUTHERFORD: Under the former practice the doors
Mr. William Rutherford.

were locked, and after the doors were locked the Question was put a second time, and, therefore, every Member either actively or constructively knew what the Question was.

*MR. HARCOURT said he remembered the fact, and he also remembered that Members continually passed into the lobbies without hearing the Question put. The method of "constructive" hearing was one with which he was not acquainted, but he did not think it was one which would enable Members to have a clear appreciation of the Question. He believed that under the new rules hon. Members had every advantage which they had under the old rules, and some which they did not formerly possess. Every word which the hon. Member had said was a justification of the new procedure.

Question put, and agreed to.

Resolved, "That these Resolutions be Standing Orders of the House."

Resolved, "That Standing Orders 28, 29, and 90 be repealed."—(*Sir Henry Campbell-Bannerman.*)

EXPIRING LAWS CONTINUANCE BILL.

Considered in Committee.

(In the Committee.)

[Mr. EMMOTT in the Chair.]

Clause:—

MR. WILLIAM RUTHERFORD said it had been his intention to move Amendments affecting certain of the enactments mentioned in the schedule of this Bill, but by referring to rulings by the Chairman in previous years it appeared to him that the Amendments would not be in order. He wished to say that some of the Acts were extremely important, and he thought the time had come when they should be made part of the statute law of the land. There were fourteen Acts about which there could not be the slightest possible controversy, the Corrupt Practices Act and the Ballot Act being among the number.

*THE CHAIRMAN: The hon. Member is quite right as to the point of order but that means that talking about the Amendment he cannot move is out of order also.

MR. T. M. HEALY (Louth, N.) said he presumed that the Government had had their attention called to the fact that the Sale of Liquors on Sunday (Ireland Act, 1878) was included in the schedule needlessly, an Act having been passed making the law permanent.

*THE CHAIRMAN: That can be raised on the schedule.

Clause 1 agreed to.

Clause 2 agreed to.

Schedule:—

*MR. JOWETT (Bradford, W.) moved the omission of the Poor Rate Exemption Act, 1840. At the present time there was a great deal of complaint in every part of the country in regard to high rates. He wished to call attention to the effect which the Expiring Laws Continuance Act had on the subject to which he referred. Up to 1840, when the Poor Rate Exemption Act was passed—an Act which lasted only one year—it would have been competent for the board of overseers to have rated every person in every parish and town according to his ability to pay. According to the provisions of the Act 43 Elizabeth such rates had to be imposed for the following purposes, viz. (1) to cover the cost of purchasing materials and tools with which the overseers were to “set the poor on work.” (2) To relieve such of the poor as were unable to work, and (3) to apprentice, to some trade or craft, the children who came under the control of the overseers. The Act 43 Elizabeth to which he had referred, when read with a subsequent Act of 13 and 14 Charles II., permitted the overseers to take into account the profits or income of each inhabitant when assessing the amount of his liability to contribute to the purposes named. That provision was, he thought, a very good one indeed, and one that might with advantage be acted on to-day, especially in view of the unfair system of rating

which prevailed at the present time with its many anomalies. There was a great outcry in these days against high rates, but the payment of rates, if the money was wisely spent, was not in itself an evil; but unfair rating was an evil. A man might have to occupy for the purposes of his business very extensive premises and would have to pay heavy rates on the rateable value of these premises, although he made next to no profit, whereas another man who was making large profits might occupy only small premises and thus escape the burden which fell very heavily on the shop-keeping class. According to the system which this Act of Parliament, which was now sought to be continued, set aside, it was possible to lay the burden of Poor Law expenditure on everyone according to his ability to pay. He did not suppose that the Government would agree to the Amendment he had proposed, but he wished to ask for some assurance that the present unfair system of rating should be put an end to as soon as possible, and that some system would be put in operation for tapping the profits of the men who were able to bear the burden. He ventured to suggest to the Chancellor of the Exchequer that the time had come when it was necessary, in justice to those who were compelled to occupy extensive premises for the purpose of their business, though they might only be receiving a small income therefrom, to make part of the local taxation depend on income instead of the annual value of premises occupied, as seemed to have been the case prior to the passing of the Poor Rate Exemption Act mentioned in the Schedule.

MR. SUMMERBELL (Sunderland) seconded the Amendment.

Amendment proposed—

“To leave out, 3 and 4 Vic. c. 89. The Poor Rate Exemption Act.”

MR THOMPSON (Somersetshire, E.) said he desired to support the Amendment. This Act ought to be omitted from the schedule of the Bill because it was already in effect one of the permanent laws of the kingdom. The Act was originally passed in 1840, and consisted of two sections. The first section was substantially in the form which the

hon. Member for Bradford had stated, and that section was the operative section of the Act. The second section, which had since disappeared, stated that the Act should only continue till the 31st December, 1841. The Act was renewed from year to year until 1874, when the Statute Law Revision Act was passed, which Act repealed the second section of 1840, and took away the temporary limitations on the latter Act. Somehow or other that Act was scheduled in the Expiring Laws Continuance Act of 1875, but he maintained that it did require to be renewed every year.

*THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea) said there was some force in the contention made by the hon. Member that there were some Acts scheduled in the Expiring Laws Continuance Bill which should be made perpetual. As to the remarks of the hon. Member for Bradford dealing with the question of poor relief and employment, he would point out that these subjects were now receiving the attention of the Royal Commission on the Poor Law, and they would deal with them more effectually than could be done at that time of night in discussing the Expiring Laws Continuance Bill. The question of the amount of contribution which the Imperial Exchequer should make to the local authorities, which the hon. Gentleman had referred to, was not quite so insignificant as he imagined. The State by Exchequer Grants contributed more than £13,000,000 to some of the purposes to which the hon. Member had referred; and it was a matter of contention with many who held opposite views to the Member for Bradford as to whether the time had not arrived when that amount should be diminished as some alleged in the interest of efficient administration of Local Government. As he had said, so far as Poor Law was concerned these questions were at present before the Royal Commission, but he should be only too pleased to represent the views of the hon. Member to the Chancellor of the Exchequer.

"With regard to the question of rating, which the hon. Member for Bradford more pertinently alluded to, the question

of local rating and imperial taxation was now before the Government in many aspects, and he would take note of what the hon. Member had said in so far as it was possible for the Government by future consideration, and possibly by legislation, to deal with some of the anomalies to which the hon. Member had referred. On those points they would give the subject sympathetic consideration. He did not want to quote the Act on which that discussion was based, but the Act of 1840, to which the hon. Member referred, consisted only of one clause, and that clause contained only ten lines, and many of the subjects which had been raised by both the hon. Members who had spoken on this particular Act, and this particular clause, were not altogether relevant to its purpose and intention. It dealt almost exclusively with rating. It dealt, he admitted, with the question of personalty and realty, which was perhaps the only subject on which it did adequately treat. He would therefore ask the hon. Member for Bradford not to press his Amendment, but to rely upon the general statement he had made, that the subject of Poor Law relief and the unemployed was before the Royal Commission, and the question of rating was under the consideration of the Government. He would represent to the Chancellor of the Exchequer the views that had been expressed, and with regard to the general view, which he concurred in, namely, that this Act should not be revived annually in its present form, he would make representations to the Prime Minister to that effect whenever a favourable opportunity presented itself.

MR. WALTER LONG said the speech to which they had just listened gave a remarkable emphasis to the suggestion which he urged last night that, if this Expiring Laws Continuance Bill was to be dealt with as the Government had for the first time dealt with it this year, it was quite evident that they would have to take such steps as were possible to the Opposition to secure that in future the Bill occupied a totally different place in the programme of business. They would refer presently to the proposal which the action of His Majesty's Government had immediately given rise to. He found himself very largely in agreement with

the President of the Local Government Board in the conclusions at which he had arrived, but his good-natured and courteous stricture upon the remarks made by the hon. Member for Bradford and his hon. friend behind him were not quite justified. His argument was that those questions to which they had referred, that was to say the objects to which local taxation was applied, did not arise under this Bill. Under this Act they actually did arise in the most concrete and offensive form to those who were concerned in the question of local taxation. He heard with amazement the suggestion of the right hon. Gentleman that the contribution made by the State to some of the objects to which reference was made—the application of the £13,000,000—had no reference at all to the complaint made on the Opposition side of the House, and also the suggestion that that had led to local extravagance and bad administration, and that the time had come when it ought to be reduced. There was a difference of opinion as to the way in which the State should contribute towards the relief of local taxation, but, so far as he knew, there was no difference of opinion at all upon the main fact that there must be a very much larger contribution from some source. The right hon. Gentleman knew quite well that that was not a contribution by personalty towards realty. It was a sum to which both personalty and realty contributed, and many of them thought that realty contributed in an altogether unfair degree. It was conceivable, however unlikely it might seem at the present moment, that he himself might again at some future day be interested in the passing of an *Expiring Laws Continuance Bill*, and therefore he did not want to offer obstructions to the Government carrying out the business. But right hon. Gentlemen opposite, having chosen this method for a considerable act of Government policy, could not complain if a variety of points were raised which were important to them on that side of the House. The speech of the right hon. Gentleman was one of immense interest, and might very easily have formed the subject of a long debate, but at this period of the session, and at this hour of the morning, it would not be satisfactory to embark upon such a subject. He only wished that the con-

clusions at which the right hon. Gentleman had arrived and the sound views which he held had been arrived at and were held by his colleagues, and that they had not found themselves in the position of having to discuss questions of considerable importance at a time which, as the right hon. Gentleman had said, was neither opportune nor decent.

MR. WILLIAM RUTHERFORD said this Act was the Act under which the rating of the poor was cast upon real estate, and under which the tools of those who were carrying on business were relieved from taxation for the purposes of the poor rate. It was the Act which ever since 1840 had regulated the class of property which should contribute to the taxation of the poor. It would be a great calamity, and a piece of impossible legislation, if at this date a tremendous change were to be made in the whole rating law simply by dropping this Act of Parliament out of the schedule to this Bill. But the position of the Act and the way it was described in the schedule of this Bill were, he thought an illustration of the exceedingly loose way in which this kind of thing was done from year to year. The Act consisted originally of two sections, firstly the operative section, and secondly a section limiting its operation to one year. But in 1873 that second section was repealed. The consequence was that in 1883 the Act which restricted taxation to real estate became an Act of one section, without any condition whatever making it necessary to be renewed. He found in the Schedule that the whole Act was to be re-enacted. But the second section of the Act was repealed in 1873. It was perfectly absurd therefore to say that the whole Act should now be re-enacted. He ventured to think that, seeing that this Act had become perpetual by its second clause being repealed thirty-two years ago, it could very well be dropped out of the schedule.

MR. SUMMERBELL asked permission, after the statement made by the President of the Local Government Board, to withdraw the Amendment.

Amendment, by leave, withdrawn.

MR. H. H. MARKS (Kent, Thanet) moved an Amendment for the purpose of omitting Section 3 from the Employers' Liability Act, one of the Acts mentioned in the schedule. The hon. Member said that Section 3 of this particular Act limited the amount of compensation which a workman could recover under the Act to the estimated earnings of a person in the same grade during the three years preceding the injury. The words of the section were—

"The amount of compensation recoverable under this Act shall not exceed such sum as may be found equivalent to the estimated earnings, during the three years preceding the injury, of a person in the same grade employed during those years in like employment and in the district in which the workman is employed at the time of the injury."

Clearly the intention of the Act was to remove the obstacle to common employment, and to give the workman, as Section 1 of that Act said, the same right of compensation and the same remedies against the employer as if the workman had not been in the service of that employer who now engaged him. If, however, the workman had not been in that service, there would have been no statutory limit to the compensation which he could have recovered for the

injuries caused to him by the negligence of others. At this time, and in view of the great progress made in the matter of compensation to workmen, this section of the Act might usefully and profitably be dropped at this stage. It would be observed that a stranger injured by that same accident of negligence could recover to an unlimited extent. It was only the workman who was restricted in respect of the amount of compensation he might demand. If the Act was continued, as proposed in the Schedule, and Section 3 only was dropped, the general effect of the Act would be preserved, but the workman would be put on the same footing as the stranger, so far as the amount of his compensation is concerned. It was for that reason that he moved the Amendment, which he ventured to commend to the favour of the Committee.

Amendment proposed—

"In page 4, line 9, after the words, 'the whole Act,' to insert the words 'except Section 3 thereof.'"—(Mr. H. H. Marks.)

Question put, "That those words be there inserted."

The Committee divided:—Ayes, 16; Noes, 241. (Division List No. 493.)

AYES.

Barrie, H. T. (Londonderry, N.
Bignold, Sir Arthur
Bull, Sir William James
Carlile, E. Hildred
Corbett, T. L. (Down, North)
Craig, Capt. James (Down, E.)
Doughty, Sir George

Finch, Rt. Hon. George H.
Gibbs, G. A. (Bristol, West)
Hunt, Rowland
Lane-Fox, G. R.
Liddell, Henry
O'Niell, Hon. Robert Torrens
Sloan, Thomas Henry

Starkey, John R.
Tuke, Sir John Batty

TELLERS FOR THE AYES—Mr.
H. H. Marks and Mr. Watson.
Rutherford.

NOES.

Acland-Hood, Rt. Hn. Sir Alex. F.
Agnew, George William
Ainsworth, John Stirling
Allen, A. Acland (Christchurch)
Allen, Charles P. (Stroud)
Ambrose, Robert
Banbury, Sir Frederick George
Baring, Godfrey (Isle of Wight)
Barlow, Percy (Bedford)
Barnard, E. B.
Barran, Rowland Hirst
Barry, E. (Cork, S.)
Beaumont, Hn. W. C. B. (H'xh'm
Benn, W. (T'w'r H'm'l'ts, S. Geo
Billson, Alfred
Boland, John
Brace, William

Brigg, John
Bright, J. A.
Brocklehurst, W. B.
Brooke, Stopford
Bryce, Rt. Hn. James (Abred'n)
Bryce, J. A. (Inverness Burghs)
Burke, E. Haviland-
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cavendish, Rt. Hon. Victor C. W.
Cecil, Lord John P. Joicey-
Chance, Frederick William
Channing, Sir Francis Allston
Cherry, Rt. Hon. R. R.

Clancy, John Joseph
Clarke, C. Goddard
Cleveland, J. W.
Clough, William
Cobbold, Felix Thornley
Cogan, Denis J.
Collins, Sir Wm. J. (S. Pancras, W.)
Condon, Thomas Joseph
Corbett, C. H. (Sussex, E. Gr'st'd.)
Cornwall, Sir Edwin A.
Cowan, W. H.
Craig, Herbert J. (Tynemouth)
Crean, Eugene
Crombie, John William
Crosfield, A. H.
Dalziel, James Henry
Davies, W. Howell (Bristol, S.)

Delany, William
 Dewar, John A. (Inverness-sh.
 Dillon, John
 Dolan, Charles Joseph
 Donelan, Captain A.
 Duncan, C. (Barrow-in-Furness
 Dunn, A. Edward (Camborne
 Dunne, Major E. Martin (Wals'l
 Elibank, Master of
 Erskine, David C.
 Esmonde, Sir Thomas
 Essex, R. W.
 Evans, Samuel T.
 Everett, R. Lacey
 Farrell, James Patrick
 Fenwick, Charles
 Ferens, T. R.
 Ffrench, Peter
 Fienness, Hon. Eustace
 Findlay, Alexander
 Flavin, Michael Joseph
 Fuller, John Michael F.
 Fullerton, Hugh
 Gilhooly, James
 Gill, A. H.
 Ginnell, L.
 Gladstone, Rt. Hn. Herbert John
 Glover, Thomas
 Goddard, Daniel Ford
 Gooch, George Peabody
 Greenwood, G. (Peterborough)
 Gulland, John W.
 Gwynn, Stephen Lucius
 Halpin, J.
 Hamilton, Marquess of
 Hammond, John
 Harcourt, Rt. Hon. Lewis
 Hardy, Laurence (Kent, Ashfd
 Harrington, Timothy
 Harrison-Broadley, Col. H. B.
 Harvey, A. G. C. (Rochdale)
 Haslam, Lewis (Monmouth)
 Haworth, Arthur A.
 Hayden, John Patrick
 Healy, Timothy Michael
 Hedges, A. Paget
 Helme, Norval Watson
 Henry, Charles S.
 Herbert, Colonel Ivor (Mon., S.
 Higham, John Sharp
 Hobart, Sir Robert
 Hogan, Michael
 Howard, Hon. Geoffrey
 Illingworth, Percy H.
 Johnson, John (Gateshead)
 Jones, Leif (Appleby)
 Jowett, F. W.
 Joyce, Michael
 Kearley, Hudson E.
 Kennedy, Vincent Paul
 Laidlaw, Robert
 Lamb, Ernest H. (Rochester)
 Lambert, George
 Lamont, Norman
 Law, Hugh A. (Donegal, W.)

Leese, Sir Joseph F. (Accringt'n
 Lehmann, R. C.
 Lever, A. Levy (Essex, Har'ch
 Levy, Maurice
 Lewis, John Herbert
 Lonsdale, John Brownlee
 Lough, Thomas
 Lupton, Arnold
 Lyell, Charles Henry
 Macdonald, J. M. (Falkirk B'ghs
 Maclean, Donald
 Macneill, John Gordon Swift
 MacVeagh, Jeremiah (Down, S.
 MaeVeigh, Charles (Donegal, E.
 McArthur, William
 McCrae, George
 McKean, John
 Maddison, Frederick
 Manfield, Harry (Northants)
 Mansfield, H. Rendall (Lincoln)
 Markham, Arthur Basil
 Marks, G. Croydon (Launceston
 Marnham, F. J.
 Mason, James F. (Windsor)
 Masterman, C. F. G.
 Meagher, Michael
 Meehan, Patrick A.
 Meysey-Thomson, E. C.
 Micklem, Nathaniel
 Mooney, J. J.
 Morgan, G. Hay (Cornwall)
 Morpeth, Viscount
 Morton, Alpheus Cleophas
 Murnaghan, George
 Murphy, John
 Nannetti, Joseph P.
 Nicholls, George
 Nicholson, Charles N. (Donc'r)
 Nicholson, Wm. G. (Petersfield)
 Norman, Sir Henry
 Norton, Capt. Cecil William
 O'Brien, Kendal (Tip'rery Mid)
 O'Brien, Patrick (Kilkenny)
 O'Connor, John (Kildare, N.)
 O'Connor, T. P. (Liverpool)
 O'Doherty, Philip
 O'Donnell, John (Mayo, S.)
 O'Donnell, T. (Kerry, W.)
 O'Grady, J.
 O'Hare, Patrick
 O'Malley, William
 O'Mara, James
 O'Shaughnessy, P. J.
 Paul, Herbert
 Paulton, James Mellor
 Pearce, Robert (Staffs. Leek)
 Pirie, Duncan V.
 Pollard, Dr.
 Power, Patrick Joseph
 Price, C. E. (Edinb'gh, Central)
 Priestley, W. E. B. (Bradfd, E.)
 Radford, G. H.
 Rea, Russell (Gloucester)
 Rea, Walter Russell (Scarboro
 Reddy, M.

Redmond, John E. (Waterford
 Redmond, William (Clare)
 Rendall, Athelstan
 Renton, Major Leslie
 Richards, Thomas (W. Monm'h
 Richards, T. F. (Wolverh'mptn
 Roberts, G. H. (Norwich)
 Robinson, S.
 Roche, Augustine (Cork)
 Rogers, F. E. Newman
 Runciman, Walter
 Russell, T. W.
 Samuel, Herbert L. (Cleveland
 Samuel, S. M. (Whitechapel)
 Scott, A. H. (Ashton under Lyne
 Seddon, J.
 Shackleton, David James
 Shaw, Charles Edw. (Stafford)
 Shaw, Rt. Hon. T. (Hawick B.
 Sheehy, David
 Sherwell, Arthur James
 Shipman, Dr. John G.
 Silcock, Thomas Ball
 Simon, John Allsebrook
 Sinclair, Rt. Hon. John
 Smith, Abel H. (Hertford, East)
 Smyth, Thomas F. (Leitrim, S.
 Soares, Ernest J.
 Stanger, H. Y.
 Stanley, Hn. A. Lyulph (Ches.
 Staveley-Hill, Henry (Staff'sh.
 Strachey, Sir Edward
 Straus, B. S. (Mile End)
 Strauss, E. A. (Abingdon)
 Sullivan, Donal
 Summerbell, T.
 Ta'bot, Lord E. (Chichester)
 Taylor, John W. (Durham)
 Taylor, Theodore C. (Radcliffe
 Thompson, J. W. H. (Somerset, E
 Toulmin, George
 Verney, F. W.
 Walrond, Hon. Lionel
 Walsh, Stephen
 Walters, John Tudor
 Ward, W. Dudley (S'thampton
 Waterlow, D. S.
 Watt, H. Anderson
 White, George (Norfolk)
 White, Luke (York, E. R.)
 White, Patrick (Meath, North)
 Whitley, J. H. (Halifax)
 Williams, Llewelyn (Carm'rth'n
 Williams, Col. R. (Dorset, W.)
 Wilson, Henry J. (York, W. R.
 Wilson, John (Durham, Mid)
 Wilson, J. W. (Worcestersh. N.
 Wilson, P. W. (St. Pancras, S.)
 Winfrey, R.
 Wortley, Rt. Hon. C. B. Stuart

TELLERS FOR THE NOES—Mr.
 Whiteley and Mr. J. A.
 Pease.

CAPTAIN CRAIG moved to include within the Schedule of the Bill the Peace Preservation (Ireland) Act, 1881. The hon. Member said he must preface his remarks by trying to impress upon

the Committee the great difference between the action of the Government in dropping from the schedule a measure of first-class importance and the plain and sensible course of perpetuating for another

year a measure which had been in operation for the last twenty-five or thirty years. All Members would agree with him that when a first-class measure had been perpetuated from year to year since 1881 it had established a strong claim to be continued, and the necessity of that Act had, so far as he could ascertain from reading carefully the journals of the House, never been seriously questioned. If they considered the hour of the evening and the importance of the measure, and the fact that the House had been engaged that day in a most important debate on the Education Bill which had left Members exhausted, he thought it would be generally regretted that this Bill had been brought on in this way.

MR. T. M. HEALY (Louth, N.) on a point of order, asked whether there was any precedent for the course now being taken in regard to the schedule of this Act, having regard to Section 1, which read—

“The Acts mentioned in the schedules of this Act shall to the extent specified in Col. 3 of that schedule, be continued until December 31st.”

and so on. He submitted respectfully that the principle upon which the Second Reading of this Bill was obtained was that they affirmed the principle as to Acts mentioned in the schedule, but that they did not affirm upon the Second Reading any principle as regarded any other Act which was not mentioned in the schedule. He would further remind the Chair that it was not merely that principle that they affirmed, but that those Acts should only be continued to the extent of the number of years to which they were mentioned in Column 3 of that schedule. He respectfully submitted that before a new precedent was started upon an Expiring Laws Continuance Bill—a Bill which was always in the hands of the Government—some reason should be given for the course now being taken. Otherwise he submitted that they might have on an Expiring Laws Continuance Bill every Bill that had been repealed in the revised statutes. The revised statutes contained something like 800 Acts, and was it to be tolerated that

it should be the right of an hon. Gentleman without notice, and in respect of a measure as to which they had affirmed the principle that the Acts only in the schedule should be considered, to come down to the House and say that as regarded 500 or 600 Acts any one of them might be re-enacted, including perhaps the Penal Laws (Ireland) Act, under which an Irishman was not allowed to learn to read or write, and there was to be no Catholic religion in the country, or perhaps an Act for calling back the Stuarts to the throne, or repealing the Protestant succession.

MR. WILLIAM RUTHERFORD rose to speak, but could not be heard owing to cries of “Order.”

THE CHAIRMAN: This is a point of order.

MR. WILLIAM RUTHERFORD: It is more like a speech.

MR. T. M. HEALY respectfully submitted that he was raising a point of most tremendous constitutional importance, that it was a new point, not to be settled, by the mere method of interruption, and that if the Chairman took it upon himself, if he might respectfully say so, to allow a Resolution of this kind without consulting the authorities of the House, they might be landed in future in discussions of the most extraordinary character. He put this to the Chairman: Would he tolerate the moving of an Amendment recalling the Stuarts? Such an Amendment would not be tolerated, as being outside the scope of the Bill, and he respectfully suggested that the Amendment of the hon. and gallant Member was out of order.

MR. WALTER LONG, on the point of order, said the hon. and learned Member, in the somewhat extensive remarks he had addressed on a point of order to the Chair, had made the substantial foundation of his argument the fact, as he alleged, that the Motion of his hon. and gallant friend was raised without notice. He begged leave to suggest to the Chairman, who happened to have

been in the House at the time, that when the second reading of the Bill was moved he (Mr. Long) intimated that a Motion of this kind would be made, that the Minister in charge of the Bill agreed to that suggestion, and that the consent of the Speaker in the Chair was given to that arrangement. He suggested, therefore, it was obvious there had been sufficient notice.

*THE CHAIRMAN: With regard to the question of the Amendment being withdrawn notice it is our rule in Committee on a Bill that Amendments may be received without notice. Therefore, so far as that point is concerned, I do not think I need deal further with it. With regard to the main point submitted by the hon. and learned Gentleman, I have considered the matter very carefully, because I believe this is a precedent, and naturally I have given it a great deal of attention. I must remind the Committee that this is an expiring law. It will expire, I suppose, on the 31st December, unless it is renewed. That, of course, puts it in an entirely different category from that of any law which expired even twelve months ago. Under those circumstances, although it is a precedent, I think as this is an expiring law I must allow a discussion with regard to this particular case. I may say that I have fortified myself by consulting the authorities of the House with regard to this matter, and that they concur in the view I have expressed.

MR. MACVEAGH (Down, S.): Should I be in order in moving to add an Act rejected by the Scottish Law Reunion Bill?

*THE CHAIRMAN: Not unless it is an expiring law, left out for the first time by this Bill. Nothing else can possibly be covered.

MR. T. M. HEALY: I submit that the only thing relevant to the present discussion would be that there will be something in the state of Ireland in the next twelve months to require the continued existence of this Act.

*THE CHAIRMAN: I think I must hear what the hon. and gallant Member says.

CAPTAIN CRAIG submitted that after the interesting point of order which had been raised, the Committee would agree with him that this was a most important point, and deserved the careful attention of the House. It was necessary, in case hon. Members had lost sight of what the Act under question was, to recall its provisions. In the first place, notwithstanding the statements constantly put forward in the House, it was not in any way a Coercion Act in any sense of the word. Therefore he hoped that hon. Members would not think that Ireland was under this Act labouring under a measure of coercion which did not exist elsewhere. The law might be applied to the whole country, but he would like to point out with regard to Clause 1 that for it to come into force it was necessary for a certain part of the country to be proclaimed. By Clause 3 the Lord-Lieutenant by and with the advice of the Privy Council in Ireland might make orders prohibiting or regulating the importation and sale of arms in Ireland, and he was empowered to take such action as he thought necessary to maintain law and order in Ireland. No one could read that Act right through without seeing there was nothing in it except what was necessary to carry out its primary objects. Why was the Government desirous at that period of the session of dropping this Act out of the schedule of the Expiring Laws Continuance Bill? He did not suppose anyone could say definitely what their reasons were. They knew, however, that the Leader of the Nationalist Party had had on the Paper an Amendment to read the Bill that day three months, and they also knew that when the Peace Preservation Act was dropped out of the schedule the hon. and learned Member withdrew his Amendment. Putting two and two together, he believed he was right in assuming that pressure was brought to bear by the hon. and learned Gentleman and his followers on the Government to take this particular measure from the schedule of the Bill. The Question which immediately presented itself was whether the state of

Ireland at the present time was such as to warrant the dropping of the Act. He did not think there was a single Member of the House who would accuse him of a desire to cast aspersions upon Ireland. He stated emphatically that it was only with pain and sorrow that he had to recall any outrage which had taken place. Still he had felt it his duty, representing as he did isolated people of a different persuasion from hon. Members below the gangway, to call attention to these outrages by Questions across the floor of the House; and to give the Government of the day an opportunity of answering those Questions as they thought fit. He was not going back to past history for any considerable time, but he was going to take a few instances of the last few days, and ask hon. Members to judge for themselves whether it was right to repeal this Act, though he did not suggest for the moment that to do so would give rise to a flare up all over the country, or anything of that kind. All he contended was that the answers received to Questions put from those Benches deserved consideration at the present time. He had called attention that day to the case which occurred at Macroom, an outrage on a man and his sister who were going to Cork, the facts of which were admitted by the Chief Secretary. In another of those Questions he ascertained from the Chief Secretary that in a case in Monaghan, where the police were trying to have the issue of a warrant of possession shifted from their shoulders to the special bailiff, the man received instructions from the Government—

MR. MACVEAGH: Has this anything to do with the Amendment?

CAPTAIN CRAIG said he was not going to detain the Committee long, and he would pass on. He would refer next to the case at Athenry. The right hon. Gentlemen said he was informed by the police that on the night in question such and such occurred. He also stated that twenty-five extra policemen were stationed there at the present time. A small town like Athenry needed twenty-five extra policemen to maintain law and order! The right hon. Gentleman also stated that in the East Riding of Galway

there were thirty-four cases of partial boycotting going on at the present moment. He was not going to weary the Committee with all the cases of partial boycotting which came to his ears. In isolated cases of boycotting there was often, he admitted, a difficulty in making sure that the facts were as stated, but personally he had always done his utmost to make sure he was not asking a frivolous question. He thought, however, the cases he had put to the right hon. Gentleman showed that in various parts of the South and West of Ireland there was an unsettled state of things, and that the police in different parts of the country required to be augmented by others—twenty-five in the case of the East Riding of Galway. He noticed also, and this was the last question he should refer to, the change of the constabulary after the Loughrea eviction. All these cases were being watched most cautiously and carefully, not only by those outside the disturbed areas, but by isolated men and women in parts of the country where police protection was required, and where boycotting and intimidation, and so on, were rife. He maintained that in the case he had mentioned there was sufficient justification for saying that Ireland at the present time was not ready to run the risk of taking away from the Lord-Lieutenant in Council the power given under the Act which it was proposed to drop. He could not conceive the Government's motive in striking out with the pen this Act from the Bill, and pushing the Bill through at 1.30 a.m. at the fag end of the session, and after the House had been discussing another measure of great importance. His next point was that even if Ireland, south and west, and north and east, was settled and quiet, and in the same condition as Scotland and Wales at the present time, peaceful and law-abiding, it would be very difficult to persuade them what harm it would do to the country to continue this measure, which was introduced by the late Mr. Gladstone in the year 1881, and had gone on to this day, without, as far as he could ascertain, causing very much inconvenience or discomfort where people were law-abiding and peaceful. Possibly the argument was that the Act was a dead letter and was no longer required.

Captain Craig.

If they began to study too closely the details of such Acts as were no longer required they would find a mass of measures which it would be impossible for the House in a session of Parliament to examine and put out of the Statute Book. That argument, therefore, fell to the ground. Out of pure curiosity he turned up a measure, a statute of 1772, whereby any person who set fire to one of His Majesty's dockyards was to suffer the penalty of death. He knew quite well that of these old Acts some were quite useless, but the onus would rest in this case of showing that the Act was no longer necessary. He would like to refer to one remark made by the hon. and learned Member for North Louth on the Second Reading of the Bill. He said that the measure was introduced in order to maintain law and order among the Orangemen in Ulster.

MR. T. M. HEALY : The hon. Member has misunderstood me. I said it was renewed in 1886 for that purpose.

CAPTAIN CRAIG said he accepted the correction at once, but if it was maintained in 1886 to preserve law and order among the Orangemen in the North of Ireland he would say on behalf of the whole order of Orangemen that they had no objection to its remaining on the Statute-book for another 100 years. He hoped, therefore, the hon. and learned Member would not press that point any further as the reason for the Act's remaining on the Statute-book. He thought that the step which the Government had taken in this matter was one of the most important they had taken this session. He looked upon what they had done as practically the first shot in the Home Rule battle, which they would have to fight next year.

Amendment proposed—

"In page 4, line 10, at the end, to insert the words :—'44 and 45 Vic., c. 5; The Peace Preservation (Ireland) Act, 1881; The whole Act; 49 and 50 Vic., c. 24; 50 and 51 Vic., c. 20.'"

Question proposed, "That those words be there inserted."

MR. JOHN REDMOND (Waterford) said he was anxious to address a few words to the Committee, but he would promise that they would be brief, and they certainly would not lead to any excitement. His hon. friends and himself desired that this matter should be discussed without any excitement, or any trouble arising from a discussion. The first thing he wished to say was upon the remark of the hon. and gallant Member as to the pressure which he thought had been brought to bear on the Government. It was interesting to remember the fact that every year since 1890 they had moved the exception of this Act, and that on every occasion they had been supported by Gentlemen on the Front Bench opposite. The Government were, therefore, bound to take the first opportunity of giving effect to the pledges given every year. Let him remind the House what the Bill was. The hon. and gallant Gentleman was not quite candid, if he would allow him to say so, in his representation of it to the Committee. He represented it as a mere measure to regulate the sale of firearms. Yet under it any person carrying or having, or reasonably suspected of carrying or having, any firearm or ammunition might be arrested without warrant by any constable, and on the issue of a warrant any person suspected of having arms in his house might at any hour between sunrise and sunset have his house broken into for the purpose of search, for the Act specially provided that the person desiring to search the house might break into it. The penalties on anybody contravening the Act were three months hard labour, which might be imposed by a court consisting of two resident magistrates. The licence which the Act provided to exempt persons from its penalties was to be given by a resident magistrate. This was the small law for the purpose of regulating the sale and use of firearms. It was really the most audacious Coercion Act which was ever enacted for any country. The right hon. Gentleman the Member for South Dublin had said he regarded it as a mere police regulation, and that instead of exempting Ireland from it he desired to extend the Act to England. He never made that suggestion when he was a responsible Minister.

MR. WALTER LONG: I know the hon. and learned Member never desires to misrepresent anyone. I quoted yesterday the words I used when I was Chief Secretary for Ireland.

MR. JOHN REDMOND said what he meant was that when the right hon. Gentleman was a Minister in power in the country he never made any proposals to extend the Act to England. He should like to see the Minister of any Party in the State come down to the House of Commons and propose for the people of England a Coercion Act of that character, that the Englishman's house, which was his castle, could be broken into on suspicion of a man's having firearms, and that if he was found to have firearms he might be sent to prison for three months hard labour by two deputies of the Crown. That was not a mere Act of police regulation for the sale of firearms. It was a gross form of coercion which would not be tolerated in this country for an hour. It was a form of coercion which ought not to be imposed on the country as a matter of course by an Expiring Laws Continuance Bill. It was entirely wrong to say that the Act had been renewed from year to year for twenty-five years. He would give the history of the Act as far back as 1881. In that year it was put in force for five years by an Act passed in all its details and through all its stages in Parliament. In 1886 again a special Act was introduced to renew the Act for one year. In 1887 it was renewed by a special Act, the Crimes Act, for five years, and the first time since 1881 it had ever appeared in an Expiring Laws Continuance Bill was in 1892, when it was put into that Bill and carried by Lord Salisbury's Government, by the present Leader of the Opposition, the very day before Lord Salisbury dissolved Parliament in June of that year. It was not true, therefore, that the Act had been renewed from year to year as a matter of course. It was never put into an Expiring Laws Continuance Bill until it was done by the present Leader of the Opposition. It might be asked why it was not repealed when the Liberals came into power in 1892. The answer, from his point of view, was that the Liberals

came in to pass an Home Rule Bill for Ireland, and Irish representatives of that day did not ask them to complicate a task, heavy enough as it was, by repealing this Act or the Crimes Act. They gave the then Government every licence to continue the Act for a year or two in consideration of the fact that they were introducing a Home Rule Bill. The Tories came back again into power and they had gone on year by year renewing this Act in the Expiring Laws Continuance Bill. This was not a measure which ought to be passed as a matter of course in an Expiring Laws Continuance Bill. If they were going to pass coercion law for Ireland they should introduce it and justify it, and not simply endeavour to pass it by putting it into the schedule of an Expiring Laws Continuance Bill. A serious Coercion Act of this kind could not be justified except by reference to the state of Ireland, and the hon. and gallant Gentleman admitted that by the line of argument which he adopted. He was not very confident in the way he dealt with this point, but still he did endeavour to say that the state of Ireland at this moment was such that it would be risky and dangerous for the Government to let this Act lapse. What was the state of Ireland so far as crime was concerned? The *Saturday Review* the other day gave some remarkable statistics of Irish crime. It showed that the police could scarcely discover any criminals; that the prisons were almost empty; and then it went on to say that roughly speaking the criminals in Ireland were in proportion only about twelve to every thirteen in England and three to every five in Scotland. The British Parliamentary estimates for 1905 were drawn up on the basis of there being 120 more prisoners per day in Scottish prisons than in Irish prisons.

"It seems, therefore,"

the article went on—

"that there is no possible justification for the newspapers which continually represent Ireland as in a lawless condition. Not only is it peaceable, but the law is better observed than in England."

It would be said that these were the criminal statistics of last year. Let him give a test of the immediate moment. The judges were now on

the Winter Assizes of Ireland, and he had before him the charges they had delivered in the four cases covering the whole of Ireland to their Grand Juries. This was a general gaol delivery, and in the whole of Ireland with 4,500,000 of people all the cases only amounted to 169. By a strange coincidence half the number came from the province of Ulster. Let him not appear to be unfair in that remark. He knew that a great city like Belfast in Ulster would naturally increase the proportion. But Dublin was also a great city in Leinster and, making every allowance they liked for the great congregation of people in Belfast, it was remarkable that there were as many cases from Ulster as from the whole of the three other provinces put together.

MR. LONSDALE (Armagh, Mid.): The hon. and learned Member will admit that that is very exceptional.

MR. JOHN REDMOND said he was only quoting the present figures, and after all if they were considering whether it was dangerous to repeal this law the thing that really mattered was the state of things now. Mr. Justice Madden pointed out that the group of counties which he was dealing with consisted of twelve counties and the city of Waterford. The number of cases to be investigated was thirty-one or a little over two for each of those jurisdictions. He did not attach much importance to the fluctuations in the statistics periodically presented to judges. He observed that in some counties concerned there was a slight increase and in others a decrease, though the number of cases was about the same as that presented on the occasion of the last assizes held in Waterford. What was a more important matter was that these cases were almost all of an extremely light character. They represented a class of crime which must occur in any community so long as human nature remained what it was. A great number of the cases were offences of the most ordinary kind. Then he went to Ulster, and he found that Mr. Justice Kenny, in addressing the Grand Jury in Belfast and dealing with the crime of nine counties and the city of Belfast, pointed out that

there were eighty Bills to come before them. He went on to say that—

“The only serious case which he had to try was a charge of riot. The accused persons seemed to have belonged to the Orange Lodges, and formed part of the drumming party which marched through the town. The conduct of the rioters as disclosed in the depositions seemed to have been outrageous to a degree. As to the general condition of the counties the report of the police in all cases stated that it was satisfactory. In the Counties of Down, Armagh, Donegal, Fermanagh, and the City of Londonderry, there had been a decrease in the number of specially reported cases. In Belfast he regretted that there was a substantial increase of cases in which private houses had been broken into and robbed. But on the whole he might say that the counties were in a peaceable state, not presenting any undue proportion of criminality.”

He came now to the Winter Assizes in Connaught, opened the other day in Sligo by Justice Gibson, and the learned judge said his duties would be unusually light. There were altogether only ten cases to be tried from five counties and none of them of a serious character. Taking the great Province of Munster he found that Justice Wright said there were forty cases to be investigated, most of them of a very simple character. In Clare there were few cases of assault. Limerick county was also found to be tolerably immune from crime, and so forth right through, and Justice Wright concluded by saying that the state of the counties with which he was dealing was free absolutely not only from serious crime, but to an extraordinarily satisfactorily extent of the ordinary crime which, as one of the judges said, was inseparable from great communities where people were herded together. There was no question then about the fact that Ireland was in a state of extraordinary peace and crimelessness. He resented very much certain imputations which were made upon Ireland and no man ought to be surprised if occasionally his colleagues or he gave vent to their indignation. They felt the most intense indignation at Question time when day after day Questions were asked about houghing cattle and all sorts of crimes of that kind up and down, here and there, through Ireland—Questions asked with the manifest object of creating the impression that those crimes were prevalent and that Ireland was in a state of horrible and

disgusting crime. He put it to the Committee what would be thought of him if he came down to the House and asked a Question of the Home Secretary, say, every time he saw in the paper a case of mutilation of cattle in England. He ventured to say that the whole opinion of the House would condemn his conduct, and Members would say he was animated by a desire to blacken the character of the people of England. Since these Questions about Ireland had become so prevalent in the House people had been sending him cuttings from newspapers in England and asking him why they did not retaliate. Only a couple of days ago he got this—

“December 2, James King, a labourer, remanded at Newport, to-day, charged with laming a cow.”

What would have been thought of him if he put a Question on the Paper to the Home Secretary to ask about that, with no possible object in the world except to create a prejudice against the people of this country? Most of the cases that were brought up day after day in these Questions—as the Chief Secretary admitted—were bogus cases. In most of the cases the answer of the Chief Secretary had been a denial of the truth of the facts alleged. But even if they were all true, was it to be supposed that crimes of that kind did not occur in every country occasionally? And in face of the general state of crimelessness in Ireland, was it not a cruel thing for Irishmen—all the Orange representatives in that House were not Irish, he knew, but many of these questions came from Members who were Irish—was it not a cruel thing for them to take that action, the only possible effect of which must be to create a false impression in the minds of the people of England that they were a nation almost of savages and that their country was covered with crime. One of the most remarkable things in the whole country of Ireland at present was that the goals were all being shut up. In many cases they were turned to better and more useful purposes. They had no prisoners to go into the gaols. He had quoted the criminal statistics for the last year. He had quoted the charges of the judges and he pointed to the fact that the prisons were

being closed all over Ireland, and he asked one thing in conclusion. Of course it could not be openly avowed in this House, because it would not only be very discourteous but he thought it would be out of order, that the hon. Gentleman above the gangway thought that they desired to repeal this Coercion Act in order to facilitate the commission of crime in Ireland. Let him ask the Committee whose interest was it to preserve the peace in Ireland? Let him look at it from a very low standpoint, from a mere political standpoint, from the point of view of expediency. They were told that there was to be some legislation proposed for their country in the future in the direction of giving the people the control of their own affairs. Was it in their interests that there should be crime in Ireland? Was it not the interest of the opponents of that legislation? So far as they were concerned their interest was to maintain the peace. He would tell the Chief Secretary that this Act they were now dealing with was never worth the paper it was written on as a preventative of crime. It was ridiculous. Did they think that if a man had made up his mind to commit a murder that he would be afraid to risk three month's imprisonment for carrying a gun without a licence? He did not believe this Act ever prevented any single crime in Ireland, but in many cases it was most vexatiously operative. Would it be believed that there were only six counties in the whole of Ireland that were not proclaimed under this Act? He himself was an habitual criminal. He invited the Attorney General to prosecute him if this Act remained. He had all his life been familiar with the use of fire-arms and in the possession of fire-arms, and he possessed fire-arms in proclaimed districts. He had never asked for a licence from a magistrate and he would not do it. And he now gave information against himself and they might prosecute him. But they would not prosecute him because such a prosecution would expose the absurdity of the Act, and turn ridicule on the Act. But they refused licences right and left to poor farmers. He had got within the last few days a whole lot of letters from people who had been refused licences. He would allude to one only. Here was a gentleman who asked for

Mr. John Redmond.

a licence and was refused, and then he got up a memorial to show what a good character he was. This memorial was signed not only by the High Sheriff of the County and the Ex-High Sheriff, the Members of Parliament for the County, and nearly all the Justices of the Peace of the County, but by the Chairman of all the public boards, the two Protestant Rectors, and the Catholic Priests, but most extraordinary of all it was signed by the Lord Chief Justice of Ireland. The Lord Chief Justice of Ireland and Lord Mayo both joined those other people in asking for a licence for this man, and the licence was refused. Was anything so ridiculous ever heard of? It had its ridiculous aspects, but it had its serious aspects, and he asked the House in justice to Ireland to scout this attempt to re-enact in the schedule of this Bill a gross Coercion Act which no Englishman would tolerate in his own country for twenty-four hours.

MR. T. L. CORBETT (Down, N.) said that after the long speech already made he might be allowed to make some reply. The hon. and learned Member began his speech in a very unusual role by assuring the House that he would introduce no heat and no excitement into the discussion. That was perfectly natural. He had got all he wanted. He had got this Act left out of the Continuation Bill, and naturally he was perfectly satisfied and prepared to smile upon the Government and bless them in every possible way. But if he said that he would introduce no excitement and no heat into the discussion he acted in a very peculiar way if he wanted to carry out that promise when he charged the Unionist Members with continually making accusations at Question time which they knew to be false. That was the effect of his accusation—bogus charges at Question time. He could only throw back the retort on the hon. and learned Member that he knew that to be a bogus charge against the Unionist Members. [AN HON. MEMBER: What about the horse?] He would come to the horse by-and-by. But if the hon. and learned Member and his friends were prepared to smile on the action of the Government, he

(Mr. Corbett) and his friends would be absolutely untrue and disloyal to their constituents and to those who were scattered throughout the South and West of Ireland and who held their own views, if they did not protest in the strongest manner they could, even at this late hour, against the action of the Government. This was an Act which had been renewed from year to year, at all events for some twenty-six years past, and it had now been dropped without one word of warning and without one sentence of explanation from the Government. The Prime Minister explained in a very brief and conciliatory speech that it had only been dropped by mistake. Well, it was a kind of mistake that ought not to happen and the kind of mistake of which they ought to have some kind of explanation. Everybody knew what the explanation really was. It was simply the dictation of the hon. and learned Member for Waterford, to which his hon. and gallant friend had already referred, in stating that he would oppose this Bill altogether if this particular Act were not dropped out. And as they all knew, the hon. and learned Member and the hon. Member for Merthyr Tydfil were now the real masters of the situation in this House. They had a kind of dual ownership in the frightened occupants of the front Government bench. What did this Act really contain? Its object was to prevent the carrying of arms in disturbed districts of Ireland. It was very difficult to convey to English and to Scottish minds what that really meant. [AN HON. MEMBER: Hear, hear.] It was all very easy for hon. Members representing English and Scottish constituencies to laugh, but if they lived in a lonely farm house in a solitary part of Ireland and if by paying the rent regularly those hon. Members had fallen under the sentence of the Land League, they would not be so ready to laugh as they were now. If that horrid tyranny of the Land League, which cut off many persons from all intercourse with their fellow men, were directed against hon. Members, and if, in addition to that, the hon. Members who had just laughed were sitting by his fireside with his wife and family, and a shot came through the window, he would not laugh as he

had just been doing. Both parties had found this Act to be an absolute necessity to the Government of Ireland in the past, and what change had occurred to make it a reasonable thing now to drop it out of the Expiring Laws Continuance Bill? He thought some light was thrown upon that subject at Question time to-day. The hon. and learned Member referred to bogus Questions and said the Chief Secretary for Ireland had continually replied to Questions put from the Unionist Benches by saying that the charges made were untrue. The hon. and learned Member knew if he was present in the House to-day and yesterday that that statement was absolutely incorrect. He knew that over and over again the Chief Secretary admitted to-day that the charges were absolutely accurate, and in one case the only qualification he made was that there was partial boycotting in a number of cases, instead of absolute boycotting. He did not know what partial boycotting meant. He knew the right hon. Gentleman in one case admitted that an unfortunate man living in a lonely part of Ireland had to go under police escort to get his food brought in from a number of miles away, and that seemed to be a very clear case of boycotting, although it might be described by the Chief Secretary as only partial boycotting. An hon. Member had referred to the horse. After all it might be a subject for humour in the House of Commons, but this unfortunate mare was very cruelly wounded according to the statement made by the Chief Secretary in his answer to-day. He knew that the Chief Secretary went on to explain that the horse was comparatively valueless and probably was not worth more than £1, but it was pointed out to him at the time that there was no reason why a poor, unfortunate, comparatively valueless horse should be subjected to torture. Whatever ambiguity there might be upon the Government Benches, there was at all events no ambiguity about the Nationalist Party. He said that to their credit. In cold, calm, and calculating tones the hon. and learned Member for Waterford had on one occasion assured the House that if there was the slightest chance of success he would advise his

countrymen to throw off the English yoke.

MR. MACVEAGH: You talked about bloody wars last night.

MR. CORBETT said this was a laughing matter to the present House of Commons, which was even amused by the statement by the Leader of the Nationalist Party that if he saw the slightest chance of success he would appeal to his countrymen to take arms against Great Britain. The hon. and learned Member did not deny it.

MR. JOHN REDMOND: I did not say it. Those are not my words. I said against the system of Government against coercion such as this and against your rule.

MR. CORBETT said he heard the hon. and learned Member state that if there was a chance of success he would advise his fellow countrymen to revolt against this country. Having heard those words from the hon. and learned Member himself, delivered in an absolutely calm, cold, calculating tone, he thought it would not only be unfair to the Loyalist minority in Ireland but unfair and disloyal to Great Britain and the Empire as a whole if they were to put a fresh weapon into the hands of the hon. and learned Gentleman's followers by omitting, as the Government proposed to do, this safeguarding measure from the Expiring Laws Continuance Act.

THE CHIEF SECRETARY FOR IRELAND (Mr. BRYCE, Aberdeen, S.) said the hour was so late that he did not think he ought to give any encouragement for an undue prolongation of the debate, but he must begin by saying that he thought the two hon. Members who had protested against the action of the Government had given him very little to answer. One hon. Member complained that they took this method of dropping the Act. What other method could they take? It was not necessary to bring in a repealing Bill. They had taken the only possible method of dealing with the matter. The hon. and gallant Member for East

Down who moved the Amendment, began by endeavouring to suggest that the action of the Government was due to the course taken by the hon. and learned Member for Waterford in putting down his proposal. The hon. and learned Member for Waterford informed him—and indeed he need not have been told—as far back as July of the view he and his friends entertained about the Bill. What he did in putting down his Motion made no difference to the action of the Government. He knew three or four months ago that the course which had been taken might be expected. The hon. and gallant Member had referred to the cases of trouble, which occasionally had happened in some parts of Ireland; or the need for extra police in some other parts, but he had not endeavoured to show that what had happened in those cases was prevented by the present Act. He did not establish any connection with it, or with the fact that the police did not consider the work of process serving proper to them under the provisions of the Act. The hon. and gallant Member did not appear to have realised that this was not a case in which an Act, because it was in force, necessarily carried the presumption that it should continue. It was for the hon. Members to show that the state of Ireland was such that the Act should be continued, and they had made no attempt to do so. There was only one real argument advanced by the hon. and gallant Member, and that was when he said the other day that this was the opening of a bloody war which he expected in the north of Ireland. He thought no prophet ever occupied so favourable a position as the prophet who was able to fulfil his own prophecy. Perhaps the hon. and gallant Member intended to inaugurate that civil war. If he did not, he thought there was every reason to believe the prophecy would turn out false. What were the facts of the case? This was an Act which was originally passed as a piece of temporary legislation. It was never meant to be permanent. It was passed in 1881 in time of great excitement and great disorder. It was passed then for a period of five years in the hope that at the end of that period it

would no longer be necessary. At the end of five years, although things were not so bad as in 1881, it was still thought necessary to renew the Act. Then the Tory Government coming in, it was again renewed, but after that it had been continued from year to year in the Expiring Laws Continuance Act. Surely that showed that the Act was never intended to be permanent. It was intended to be dropped as soon as it was possible. Had it become possible to drop it? One way to ascertain that was to compare the present circumstances of the country with the circumstances when the Act was first passed, and when it was renewed in 1886. He did not deny for a moment that there was still trouble in some parts of Ireland. There were parts of Ireland where there was deficient respect for the law. There were parts of Ireland in which there was some boycotting and resistance to the processes of the law. These things were deeply to be regretted, and it would be idle for him to overlook them. The hon. and learned Member for Waterford had called attention to the charges of Judges, and to the comparative statistics of crime in England and in Ireland, and he could give the hon. and learned Member one figure which he thought was probably more conclusive as regards that comparison than any yet mentioned. He had ascertained that in England the percentage of indictable offences was twenty-six for every 10,000 of the population, while in Ireland it was only twenty per 10,000 of the population. He had also got a few figures which showed the comparison between the state of crime in Ireland now, and as it was in 1881 and in 1886. In 1881 the cases of violence against the person in Ireland were in non-agrarian cases 739, and in agrarian cases 298, a total of 1,037. In 1886 there were 502 non-agrarian cases and seventy-four agrarian cases, a total of 576. In the first ten months of 1905 the non-agrarian cases had fallen to 241, and the agrarian cases to twelve, a total of 253, while in the first ten months of the present year the total non-agrarian cases had fallen from 241 last year to 214, and the agrarian cases from twelve to seven. The general agrarian offences of all kinds, including threatening letters, stood in

1881 at the alarming figure of 4,439. In 1886 they had fallen to 1,056. In the first ten months of the present year they had fallen to 207. He thought that drop from 4,439 offences to 207 was a very remarkable testimony to the change in the condition of the country, and of itself raised a strong presumption that the legislation which was only passed as a temporary measure, justified, if at all, by the exceptional conditions in 1881, had no authority of any kind in its favour in 1906. The state of Ireland was obviously not what it was when the Act was originally passed. It was also true that such unfortunate features as still remained were confined to parts of Ireland. He wanted the Committee to understand that that which at one time was general over three-quarters of the country was reduced to a few spots where it was declining, and where he hoped before long it would entirely disappear. Then what was the use of the Act? It was no use at all, he thought, for preventing agrarian murders. He had never heard of anyone who wanted to shoot an obnoxious person and could not find a gun to do it with. It was no use for preventing boycotting. It had nothing to do with boycotting. What led a great deal towards its enactment in 1881 was the fear of a possible political rising, and he thought he could safely say there was never a period in Ireland when such a thing was more totally removed from any probability whatever. After reading, as he was bound to do, reports of what was going on in all parts of the country, he thought he might say that the fear of anything in the nature of serious political disturbance, or organised resistance to the law, was altogether chimerical. The conditions of the country had now so completely changed that he thought they had no longer any right to retain an Act passed under different circumstances, and with other objects in view. He thought the remedy for the occasional disorders which existed in some parts of Ireland—though he was glad to be able to confirm the hon. and learned Member in his reference to the reports of Judges at Assizes—was not to be found in exceptional legislation. They had long ago declared their view that the true remedy was to be found in a different policy altogether, and it

Mr. Bryce.

would have been surprising if they had not endeavoured when in office to practise that which they repeatedly avowed when in Opposition. The true remedy for whatever remained to be effected in social order in Ireland was to create a sense of responsibility in the people, to give them a feeling that the law was their own, and ought to be their friend and not their enemy, to give them a sense of the value of social order, to make them realise that the more peaceful and orderly a country became the greater its material prosperity. These views and principles had been the views and principles which they had tried to apply during the last twenty years, whenever they had had an opportunity, and the further application of those principles was the surest basis to build on in the future.

MR. WALTER LONG said he did not intend unduly to occupy the time of the Committee, nor did he think it necessary or desirable that the debate which had been very naturally raised from his side of the House should be prolonged. The right hon. Gentleman and the hon. and learned Member for Waterford had entirely mistaken the grounds of the objection to the action of the Government. The right hon. Gentleman's defence rested on two facts. One was the improved condition of the country. He congratulated the right hon. Gentleman on the fact, which was the consequence of many years administration of the country by the Unionist Party. At all events at the conclusion of that reign the right hon. Gentleman was able to produce his very favourable statistics. He did not think, however, the right hon. Gentleman realised the strength of the tyranny which still pressed, under his own administration, on scattered people in the South and West. In anything he did in the House or outside he had only one desire, namely, to see the hopes entertained by the right hon. Gentleman realised, and the prospect he held out for Ireland attained, for all must wish to see peace reign in the country. The hon. and learned Member for Waterford had quoted him as having referred to the Act not as a coercive measure, as the hon. and learned Member described it, but as a Police Regulation Act. That was not his own description. It was the

language used by the present Secretary of State for India when he was dealing with the question as Chief Secretary for Ireland, and when he absolutely repudiated the idea that this legislation had anything to do with coercion. The right hon. Gentleman laid it down very clearly that the Act was an ordinary police regulation. He was challenged by the Leader of the Irish Nationalist Party as to his statement that in his judgment legislation of this kind would be much better extended to the whole country than limited to parts of it. He would go further and say he always thought the weak point in the administration of this Act was its somewhat arbitrary application to certain counties, and not its general plan. He was bound to say the figures did not indicate the hardship the hon. and learned Member for Waterford had described. He had only the figures for 1905, and those figures showed that, although between 6,000 and 7,000 licences were granted, only 8 per cent. were refused, and there were only three cases of search during the whole of that year. That at all events showed that no very great hardship was being inflicted on the people of Ireland by the administration of the Act, whatever its object might be. The Chief Secretary for Ireland had told them that in his opinion the time had come when the Act ought to be left out of the Bill now under consideration. He confessed he thought it would have been more in accordance with precedent if the right hon. Gentleman had contented himself with withdrawing the proclamation for a year, and then dropping the Act at the end of that year, if he thought it right to do so. It was at all events a remarkable fact that this great measure of coercion, which formed so important a part of the coercive statutes, had been used by the Chief Secretary for Ireland himself, since he came into office, and as recently as the month of November. He had seen

in the *Dublin Gazette* proclamations by which the Government of Ireland, under the direction of the Chief Secretary, and with his consent and approval, withdrew from people who had been granted licences, the licences to carry arms this act of cruel coercion being the work of the present administration since they had been in office. It did not look as if the Act had been such a dead letter as the right hon. Gentleman would have them believe, nor did it look as if, notwithstanding the prosperity attending the administration of the right hon. Gentleman, it had been free from the coercive measures of which he spoke. However, they had made their protest from that side of the House. They had stated their reasons why they believed the action of the right hon. Gentleman premature, if not ill-advised. He certainly did not want to be a prophet of evil. He would much rather join in the anticipations to which the right hon. Gentleman had given expression. Time alone could show whether his hopes rested on a solid foundation. The right hon. Gentleman could not wonder if they from time to time criticised his action, and watched the policy of his administration but neither the right hon. Gentleman, nor hon. Members representing the Nationalist Party of Ireland, were entitled to claim that because they raised from time to time questions with regard to vital matters, and called the attention of the right hon. Gentleman to what they believed reliable information as to the condition of the country in different parts, they were one whit behind them in their heartfelt desire that there might come to Ireland a time of peace and prosperity.

Question put.

The Committee divided :—Ayes, 28 ;
Noes, 194. (Division List No. 494.)

AYES.

Balcarres, Lord
Bignold, Sir Arthur
Carlile, E. Hildred
Cavendish, Rt. Hon. Victor C. W.
Cecil, Lord John P. Joicey-
Corbett, T. L. (Down, North)

Doughty, Sir George
Gibbs, G. A. (Bristol, West)
Hamilton, Marquess of
Hardy, Laurence (Kent, Ashf'd
Harrison-Broadley, Col. H. B.
Hunt, Rowland

Liddell, Henry
Long, Rt. Hon. Walter (Dublin, S.
Lonsdale, John Brownlee J]
Marks, H. H. (Kent) J]
Mason, James F. (Windsor)
Meysey-Thomson, E. C.

Morpeth, Viscount
O'Neill, Hon. Robert Torrens
Rutherford, W. W. (Liverpool)
Sloan, Thomas Henry
Starkey, John R.

Staveley-Hill, Henry (Staff's)
Thomson, W. Mitchell- (Lanark)
Walrand, Hon. Lionel
Williams, Col. R. (Dorset, W.)
Wortley, Rt. Hon. C. B. Stuart-

TELLERS FOR THE AYES—
Captain Craig and Mr.
Hugh Barrie.

NOES.

Agnew, George William
Ainsworth, John Stirling
Allen, A. Acland (Christchurch)
Allen, Charles P. (Stroud)
Ambrose, Robert
Baring, Godfrey (Isle of Wight)
Barlow, Percy (Bedford)
Barnard, E. B.
Barran, Rowland Hirst
Barry, E. (Cork, S.)
Beaumont, Hn. W. C. B. (H'x'm
Benn, W. (T'w'r Hamlets, S. Geo
Boland, John
Brace, William
Brocklehurst, W. B.
Brooke, Stopford
Bryce, Rt. Hn. James (Aberd'n)
Bryce, J. A. (Inverness Burghs)
Burke, E. Haviland-
Burns, Rt. Hon. John
Byles, William Pollard
Carr-Gomm, H. W.
Chance, Frederick Willam
Channing, Sir Francis Allston
Cherry, Rt. Hon. R. R.
Clancy, John Joseph
Clough, William
Cobbold, Felix Thornley
Cogan, Denis J.
Condon, Thomas Joseph
Corbett, C. H. (Sussex, E. Gr'st'd
Cornwall, Sir Edwin A.
Cowen, W. H.
Craig, Herbert J. (Tynemouth)
Crean, Eugene
Crombie, John William
Crosfield, A. H.
Davies, W. Howell (Bristol, S.)
Delany, William
Dewar, John A. (Inverness-sh.
Dillon, John
Dolan, Charles Joseph
Donelan, Captain A.
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Dunne, Major E. Martin' (Wals'l
Elibank, Master of
Erskine, David C.
Esmonde, Sir Thomas
Essex, R. W.
Evans, Samuel T.
Everett, R. Lacey
Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ffrench, Peter
Fiennes, Hon. Eustace
Flavin, Michael Joseph
Fuller, John Michael F.
Fullerton, Hugh
Gilhooly, James
Gill, A. H.

Ginnell, L.
Gladstone, Rt. Hn. Herbert John
Goddard, Daniel Ford
Gooch, George Peabody
Greenwood, G. (Peterborough)
Gulland, John W.
Gwynn, Stephen Lucius
Halpin, J.
Hammond, John
Harrington, Timothy
Harvey, A. G. C. (Rochdale)
Haslam, Lewis (Monmouth)
Haworth, Arthur A.
Hayden, John Patrick
Healy, Timothy Michael
Hedges, A. Paget
Helme, Norval Watson
Herbert, Col. Ivor (Mon., S.)
Higham, John Sharp
Hobart, Sir Robert
Hogan, Michael
Howard, Hon. Geoffrey
Illingworth, Percy H.
Johnson, John (Gateshead)
Jones, Leif (Appleby)
Jowett, F. W.
Joyce, Michael
Kearley, Hudson E.
Laidlaw, Robert
Lamb, Ernest H. (Rochester)
Lambert, George
Lamont, Norman
Law, Hugh A. (Donegal, W.)
Leese, Sir Joseph F. (Acer'gton)
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Maurice
Lewis, John Herbert
Lough, Thomas
Lupton, Arnold
Lyell, Charles Henry
Maclean, Donald
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.)
MacVeigh, Charles (Donegal, E)
McArthur, William
McCrae, George
McKean, John
Maddison, Frederick
Manfield, Harry (Northants)
Markham, Arthur Basil
Marks, G. Croydon (Launcest'n
Marnham, F. J.
Meagher, Michael
Meehan, Patrick A.
Micklem, Nathaniel
Mooney, J. J.
Morgan, G. Hay (Cornwall)
Murnaghan, George J J
Murphy, John
Nannetti, Joseph P.
Nicholls, George

Nicholson, Charles N. (Donc'r)
Norman, Sir Henry
Norton, Capt. Cecil William
O'Brien, Kendal (Tip'rary Mid)
O'Brien, Patrick (Kilkenny)
O'Connor, John (Kildare, N.)
O'Connor, T. P. (Liverpool)
O'Doherty, Philip
O'Donnell, John (Mayo, S.)
O'Donnell, T. (Kerry, W.)
O'Grady, J.
O'Hare, Patrick
O'Malley, William
O'Mara, James
O'Shaughnessy, P. J.
Paul, Herbert
Pearce, Robert (Staffs. Leek)
Pirie, Duncan V.
Power, Patrick Joseph
Price, C. E. (Edinb'gh, Central
Priestley, W. E. B. (Br'd'fd, E.
Radford, G. H.
Reddy, M.
Redmond, John E. (Waterford
Redmond, William (Clare)
Rendall, Athelstan
Renton, Major Leslie
Richards, Thomas (W. Mon.)
Richards, T. F. (Wolverh'mpton
Roberts, G. H. (Norwich)
Robinson, S.
Roche, Augustine (Cork)
Rogers, F. E. Newman
Runciman, Walter
Russell, T. W.
Samuel, Herbert L. (Cleveland)
Samuel, S. M. (Whitechapel)
Scott, A. H. (Ashton under Lyne
Seddon, J.
Shackleton, David James
Shaw, Rt. Hon. T. (Hawick B.)
Sheehy, David
Sherwell, Arthur James
Shipman, Dr. John G.
Silcock, Thomas Ball
Simon, John Allsebrook
Sinclair, Rt. Hn. John
Smyth, Thomas F. (Leitrim, S.)
Soares, Ernest J.
Stanger, H. Y.
Stanley, Hn. A. Lyulph (Chesh
Strachey, Sir Edward
Strauss, E. A. (Abingdon)
Sullivan, Donal
Summerbell, T.
Taylor, John W. (Durham)
Taylor, Theodore C. (Radeliffe)
Thompson, J. W. H. (Somerset E)
Toulmin, George
Verney, F. W.
Ward, W. Dudley (South'mp'n
Waterlow, D. S.

Watt, H. Anderson	Williams, Llewelyn (Carm'th'n)	TELLERS FOR THE NOES—Mr. Whiteley and Mr. J. A. Pease.
White, George (Norfolk)	Wilson, John (Durham, Mid)	
White, Luke (York, E. R.)	Wilson, P. W. (St. Pancras, S.)	
White Patrick (Meath, North)	Wilson, W. T. (Westhoughton)	

*MR. LUPTON said he knew that a man who rose to speak at that hour of the night was looked upon either as a criminal or a nuisance. He wanted, however, to move his Resolution the previous night, and was told by the Speaker to move it on the present occasion. Out of respect to the Speaker he asked now to be allowed to carry out his instructions. He asked for the exception of the Vaccination Act of 1898. His reason for doing so was that under that Act people were being inoculated with what was called pure glycerinated calf lymph. His objection was that it was not pure and that it was not lymph. It came from a diseased calf, and every day there were fatal cases resulting from its use. Anyone who went into the matter and saw the amount of misery and pain produced by this process which was now going on would not laugh when the question was raised. A fine young soldier named Geall, who was perfectly healthy and strong, went into Caterham Barracks the other day. He was a new recruit, in the Guards, he believed. This man was vaccinated, and in about six days he was dead. The doctor certified that he died from blood poisoning. Blood poisoning was one of the results which was known to follow the insertion of calf lymph in the human blood. If they read the books of the great vaccinators they would find a list of the things in the lymph. Among them were the same streptococci and staphylococci which were in pus. They were flesh-destroying organisms which were a cause of blood poisoning. Within a few weeks another man named Morriss, at the same barracks—another fine young man in perfect health—was vaccinated and died within a fortnight of the operation. This should not be treated lightly. There was a child killed early in the year, and the evidence showed conclusively that that child was killed with Government calf lymph. There was a little baby vaccinated in the Liverpool lying-in hospital, and in a few days it was dead. They would understand that no baby could be legally vaccinated unless that baby was perfectly well and in good health. Therefore this baby being perfectly well was vaccinated, and in a few days it was dead, and they saw what the cause was. There was an experience in a village in Lincolnshire. There was a little baby there whose parents did not want it to be vaccinated, but after it was six months old that little baby must by law be vaccinated, or else the parents were fined. The baby was vaccinated with Government calf lymph, and in four days it was dead. In another village a baby was vaccinated and it died as a result. The flesh had rotted from its cheeks and rotted from its arm and it died of septicæmia following upon vaccination. Hon. Gentlemen might laugh. It was very funny, but the people who lost their babies did not think it funny. Those little children died in horrible tortures. His wife saw a little baby vaccinated and the matter was running down its cheeks and the little baby was in torture. When she saw it next the nerves in its eyes had been destroyed. There was an account of a soldier a short time ago who was vaccinated, and the verdict showed that he died from the result of blood poisoning following vaccination. The face and features of that man had all rotted away. His face fell from him, and if they read the account of the inquest they would see that it was the result of vaccination. This was done with pure glycerinated calf lymph and it was a thing that they might expect if they had in any way studied the effect of that lymph. After Jenner discovered calf lymph he abandoned its use, because it proved dangerous, and then they used a kind of humanised lymph, and the use of that was continued almost exclusively until 1898 when this Act was passed. Why did we go back to calf lymph? [Cries of "Question."] This was the question. They were discussing an Act which provided amongst other things for conscientious objections. If this Amendment was passed they would go back to the ante-1898 law when vaccination

with humanised calf lymph was still in force.

THE CHAIRMAN: The hon. Member must confine his remarks to the Act which he desires should not be renewed and he has not done so. He is speaking about babies being vaccinated who could not be vaccinated except by consent of their parents, and the hon. Member must confine himself to the Act as it stands.

***MR. LUPTON** said with all respect this was an Act which instituted vaccination with calf lymph, and he was speaking of the effect of calf lymph and comparing its effect with the effect produced by humanised lymph. If this Act was repealed they went back to the humanised lymph. It was under that Act that vaccination was now carried on. This matter had been very carefully inquired into, and a well-known authority had said that calf lymph produced symptoms in the nature of syphilis. It was admitted by the most eminent surgeons that calf lymph when inoculated in human blood would produce symptoms which were indistinguishable from syphilis. He objected to that Act under which that poison was introduced into human blood. He would describe some of the effects of vaccination as given in a medical book of good repute. Among the more usual complications were lassitude, catarrhal diarrhoea, fever and convulsions with infants, and bronchial catarrh. Those were the complications which they might look for in favourable cases. Among more serious complications were cutaneous eruption, multiplication of vesicles, syphilis, excema, and pemphigus. He did not know whether hon. Members knew what pemphigus was. It was a kind of blood poisoning which destroyed the flesh and made one a horrid sight. There were other very important consequences of using glycerinated calf lymph.

Mr. Lupton.

Dr. Jackson Clarke, a most eminent surgeon, had found in vaccine matter organisms which were indistinguishable from a similar animalculæ found in cancer—a disease which was now increasing by leaps and bounds. He would specially direct the attention of hon. Members from Ireland to this, because it was in Ireland that cancer, since the introduction of calf lymph, had gone forward at an alarmingly increased pace. When they took that in conjunction with the fact that similar organisms were found in vaccine and in cancer, he asked the Committee to consider whether, pending further information upon this important subject, it would perpetuate this system of vaccination with calf lymph, considering that the number of deaths from cancer was fifty times as great as the number of deaths from smallpox. What was the use of incurring the greater risk for the sake of minimising the lesser? The question arose then, was the present system of vaccination of any use? Since this system of calf lymph vaccination came in there had been a great agitation in the country amongst Government vaccinators and officials of the Local Government Board, and others interested in vaccination, to force the Government to adopt the system of re-vaccination, and a deputation waited upon the Local Government Board in 1903 and urged it upon them.

***THE CHAIRMAN** warned the hon. Member that his speech had now nothing to do with the Act of 1898.

***MR. LUPTON** said his remarks dealt with the effect of the glycerinated calf lymph, and he would show the relevance of his argument in a minute.

MR. A. L. STANLEY (Cheshire, Eddisbury): Is the hon. Member entitled by mentioning glycerinated calf lymph to drag in a general

disquisition on vaccination? He is attempting to bring himself in order in a technical fashion, whereas the subject is really beyond the scope of this Act.

*THE CHAIRMAN: I must say that the line to be drawn between glycerinated calf lymph and vaccination by other lymph is a very difficult one to draw. All I can say is that I am listening to the hon. Member very carefully.

*MR. LUPTON said he did not want to trespass upon the good nature of the Committee every long, and the interruptions of the hon. Member was only a type of the difficulties that they had to deal with on that subject. They dreaded to have the facts mentioned in Parliament.

*THE CHAIRMAN: The hon. Member must confine himself to the question.

*MR. LUPTON said he was about to say that the leading pro-vaccinators said that primary vaccination was a farce and a deception, and that sentiment was re-echoed by the President of the Local Government Board in the last Government. This primary vaccination, which was in force by this Act, was rather a danger. It made people imagine that they were protected when they were really not protected, because the theory was that they were not protected unless the vaccination was quite recent. Then what was the use of forcing primary vaccination on the whole nation when it was absolutely no use in the presence of an epidemic, without re-vaccination? But the right thing to do was to give up this vaccination. It was absolutely useless. It did not save a single life, and never had done. In a recent epidemic of small pox in Leeds 88 per

cent. of the cases were persons who had been vaccinated, and some had been vaccinated more than once. Nor had vaccination any effect on the death-rate. The death-rate of 17 per cent. in the Metropolitan Asylums Hospitals in 1902 was the same as it was 100 years ago, when there was no vaccination at all. And it had been shown that the death-rate depended entirely upon treatment. Though he was somewhat afraid lest, if he pursued this matter into great detail, he would be ruled out of order he would just put his point shortly. In the late epidemic in Gloucester the municipality huddled people into a small hospital with insufficient accommodation, and they died at the rate of 54 per cent. And then came down a medical officer of the Local Government Board and kicked up a row. They got a new hospital, and the death-rate immediately fell to 10 per cent. Then came a gentleman from Derby who knew an enlightened method of treatment with ointment, and the death rate fell to 2 per cent.

MR. MOONEY (Newry) wished to submit that the Act that they were now supposed to be discussing was an Act providing for the vaccination of children within six months after their birth. How could the discussion have any relation to the vaccination of people over that age?

*THE CHAIRMAN said the discussion was not in order on the vaccination of people over that age, but the general question of vaccination did necessarily arise, and he did not feel that he ought to stop the hon. Member on that.

*MR. LUPTON said that people contended that the great reduction in

small-pox prevalent at the present time was due to vaccination, but, to-day in England and Wales there were 25,000,000 people who were practically unvaccinated, according to the definition of the provaccinators themselves; that was to say, that the vaccination was over ten years old. And yet there was very little small-pox in the country at the present time.

Amendment proposed—

“In the schedule, page 5, line 5, leave out the words ‘The Vaccination Act, 1898.’”—
(*Mr. Lupton.*)

Question, “That the words proposed to be left out stand part,” put, and agreed to.

Schedule agreed to.

Bill reported, without Amendment; read the third time, and passed.

NATIONAL GALLERIES OF SCOTLAND (EXPENSES)

Resolution reported, “That it is expedient to authorise the payment, out of moneys provided by Parliament, of the cost of maintenance and repair of the National Gallery and other buildings in Scotland, and of all expenditure incurred in connection therewith under any Act of the present session to establish a board of trustees to manage the National Galleries of Scotland, and for other purposes; and to authorise the charge on the Consolidated Fund of an annuity of two thousand pounds presently payable out of moneys provided by Parliament in pursuance of such Act.”

THE SECRETARY FOR SCOTLAND
(*Mr. SINCLAIR, Forfarshire*) in moving to
Mr. Lupton.

agree with the said Resolution, said he was able to supplement this evening the information asked for last evening in a proximate form. He referred hon. Members interested in the question to the Estimate. They would find some details under the National Gallery Vote. Those details were mixed up with other matter which were not germane to the proposed Bill, and the figures he had therefore did not tally with the figures in that Estimate. So far as could be estimated, the probable extra charge which would be borne by the Votes in Parliament in consequence of the proposals of the Bill would be from £1,500 to £2,000 a year.

Motion made, and question, “That this House doth agree with the Committee in the said Resolution,” put, and agreed to.

LAND TAX COMMISSIONERS BILL.

As amended, considered; read the third time, and passed.

TELEGRAPH (CONSTRUCTION) BILL.

Order for Second Reading read, and discharged—Bill withdrawn.

EDUCATION (ENGLAND AND WALES) BILL.

Reason for disagreeing to the Lords, Amendments reported, and agreed to.

To be communicated to the Lords.—
(*Mr. Birrell.*)

Whereupon *Mr. DEPUTY SPEAKER* adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at five minutes before
Three o'clock, a.m.

HOUSE OF LORDS.

Thursday, 13th December, 1906.

PRIVATE BILL BUSINESS.

URE ELDER FUND ORDER CONFIRMATION BILL [H.L.].

Read 3^a (according to Order), and passed, and sent to the Commons.

RETURNS, REPORTS, ETC.

CHINA, No. 2 (1906).

Further correspondence relating to the decree issued by the Chinese Government on 9th May, 1906, respecting the Chinese Imperial Maritime Customs.

NAVY (DISTURBANCES AT PORTSMOUTH).

Admiralty Minute in regard to disturbances at Royal Naval Barracks, Portsmouth, on 4th and 5th November 1906, and courts-martial and other questions arising thereon.

GUNNERY.

Result of test of gunlayers with heavy guns in His Majesty's Fleet, 1906. Presented (by Command) and ordered to lie on the Table.

MERCHANT SHIPPING ACT, 1894.

Order in Council, dated 1st December, 1906, confirming certain by-laws made by the Tyne Pilotage Commissioners for the River Tyne in substitution for the by-laws hitherto in force.

MERCHANT SHIPPING ACT, 1894, AND MERCHANT SHIPPING (MERCANTILE MARINE FUND ACT), 1898.

Order in Council, dated 1st December, 1906, further altering the scale of light dues to be levied under the Act of 1898.

NAVAL AND MARINE PAY AND PENSION ACT, 1865.

Order in Council, dated 1st December 1906, directing that any pay, half pay, &c. of officers of His Majesty's Navy or the Royal Marines may be abated to meet mess debts or other similar debts or liabilities.

VOL. CLXVII. [FOURTH SERIES.]

GENERAL LIGHTHOUSE FUND.

Account of the fund under the Acts, 57 & 58 Vict. and 61 & 62 Vict., showing the income and expenditure for the year ended 31st March 1906.

SUPERANNUATION.

Treasury Minute, dated 27th November 1906, granting a retired allowance to Edward Aldridge, William Henry H. Butler, and Charles Gough, overseers and senior telegraphists, Central Telegraph Office, under Section 2 of the Superannuation Act, 1887.

Laid before the House (pursuant to Act), and ordered to lie on the Table.

EDUCATION (ENGLAND AND WALES) BILL.

Returned from the Commons with the Amendments disagreed to, together with a reason for such disagreement, the said reason to be printed, and to be considered on Monday next. (No. 237.)

LAND TENURE BILL.

House in Committee (according to Order).

[The Earl of ONSLOW in the Chair.]

Clause 1 :—

THE PRESIDENT OF THE BOARD OF AGRICULTURE AND FISHERIES (Earl CARRINGTON) : My first two Amendments are of a purely verbal character.

Amendment moved—

"In page 1, line 19, to leave out the word 'his,' and to insert the word 'a.'"—
(Earl Carrington.)

On Question, Amendment agreed to.

Amendment moved—

"In page 1, line 24, after the word 'holdings,' to insert the word 'England.'"—
(Earl Carrington.)

THE DUKE OF NORTHUMBERLAND wished, before this Amendment was put, to raise a point in regard to which he hoped the noble Earl the President of the Board of Agriculture would be able to give the Committee some information. He desired to know the exact position

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in which they were now that all reference to the inherent capabilities of the soil had been struck out.

THE CHAIRMAN OF COMMITTEES (The Earl of ONSLOW) thought that the proper time for any general observations on Clause 1 would be when the question was put that the Clause should stand part of the Bill.

On Question, Amendment agreed to.

Drafting Amendment agreed to.

THE EARL OF CAMPERDOWN moved to leave out "determined by" and to insert "referred to" in sub-section (2). This was, he explained, the first of three or four Amendments to this sub-section. They all hung together, and were designed for the purpose of clearing up a point which was at present obscure. If their Lordships would look at sub-section (2), they would find this provision—

"All questions which, under the Agricultural Holdings Acts, 1883 to 1900, or this Act, or under any custom or contract of tenancy, are to be determined by arbitration shall, notwithstanding any agreement to the contrary, and whether the tenancy commenced before or after the passing of the Act, be determined by a single arbitrator."

If the questions had been limited to those under the Agricultural Holdings Acts, there would not be any obscurity at all. But by adding the words "or under any custom or contract of tenancy" doubts had been raised in the minds of land agents both in England and in Scotland, and in the minds of many of their Lordships, including himself, as to whether it might not be supposed that the Government were intending to do away with matters of valuation and similar things of that kind contained in any contract of tenancy. Lord Carrington had told them the other day that that was not the intention of the Government, and, therefore, he had drafted these words in order to put more clearly, as he thought, the intentions of His Majesty's Government. He would deal with the Amendments as he came to them. The first one, which he now moved, was to strike out the words "determined by" and to insert the words "referred to,"

The Duke of Northumberland.

It was true it was only a drafting Amendment, but at the same time it was to a certain extent a matter of substance. Where arbitration was mentioned in the present Acts the words "referred to arbitration" and "reference to arbitration" were applied, and he thought they should use the same terms in this clause.

Amendment moved—

"In page 1, line 26, to leave out the words 'determined by,' and to insert the words referred to."—(The Earl of Camperdown.)

EARL CARRINGTON: I think my noble friend and the Government mean the same thing. I am advised that the words "determined by" are correct, inasmuch as in the present Acts, with which this Act should be read, there is a provision that questions shall not only be referred to arbitration but that they shall be determined in that manner. I think it will be better to use the same phraseology when the same thing is intended. I am advised that "determined by" are the better words.

THE EARL OF CAMPERDOWN said that if the noble Earl was so advised he would not insist on the Amendment.

Amendment, by leave, withdrawn.

VISCOUNT GALWAY moved an Amendment providing that these questions "may," instead of "shall," be determined by a single arbitrator. He had put down this Amendment because there seemed a great deal of doubt owing to so many references to other Acts as to exactly what the effect of the sub-section would be. The question was whether it was intended compulsorily to require all questions of valuation between the outgoing and the incoming tenant to be settled by one arbitrator or whether the provision referred only to the question of improvements in sub-section (1). In the past the outgoing and the incoming tenants had always been able to arrange these details satisfactorily themselves. If the sub-section as it stood did away with the liberty of each of the parties to appoint his own valuer, that was a serious matter. It ought to be left optional.

Amendment moved—

"In page 2, line 1, to leave out the word 'shall,' and to insert the word 'may.'"—
(*Viscount Galway.*)

EARL CARRINGTON: The Amendment which Lord Galway has moved is a very important one, and I regret I am unable to accept it. I think, however, I shall be able to explain my action satisfactorily to him. It is very desirable when Parliament enacts that certain questions should be determined by arbitration that they should state clearly and precisely what the form of arbitration should be, so that expense and litigation may be avoided. Our great object in the Bill is to make the settlement of differences between landlord and tenant as inexpensive as possible. What we want to insure is that the arbitrator should always act judicially and not as the advocate of one side or the other. As it is at present, the two valuers—they are called arbitrators—meet, and when unable to come to a decision, bring in a third person who is called an umpire. What we want is that instead of "umpire" you should read "arbitrator." Our object is to bring about an improvement in the arbitration work and in the position of the arbitrator now that his duties are considerably increased. I can assure the noble Earl that there is no intention whatever of interfering in any way with the present arrangement by which two valuers are appointed. There is a good deal to be said for the present arrangement, and there is nothing to interfere with it except that the arbitrator will not be allowed to go behind the back of the tenant and the landlord to select the umpire. If, and only if, they fail to agree, these two umpires then refer the matter to a single arbitrator, whose decision will be final. That is the object of the Government. Our endeavour is to simplify and cheapen the procedure in settling cases of difference which must arise, and to do away with the old difficulties that have often come before the Board, sometimes to such an extent that disputes have gone on for two or three months at a cost of several hundred pounds, and not on the main question but on the question of whether or not the matter was to go to arbitration.

Noble Lords will surely agree that that procedure needs improvement, and therefore it is that, after due consideration and deep thought, we have come to the conclusion that the appointment of a single arbitrator on the conditions I have named is the proper course to pursue. As I have said, I cannot accept the Amendment, but I hope the noble Lord will be satisfied with the explanation I have given.

VISCOUNT ST. ALDWYN did not feel quite sure that the noble Earl fully appreciated the point which his noble friend who moved the Amendment had endeavoured to enforce. In the case of a difference between landlord and tenant, that difference might be settled under the Agricultural Holdings Act by two arbitrators and an umpire, or by a single arbitrator. What Lord Carrington desired to do, as he understood, was that when reference was made to the Board of Agriculture, the Board of Agriculture should appoint only one umpire.

EARL CARRINGTON: The noble Viscount has put the case in a nutshell. That is exactly what is intended.

*VISCOUNT ST. ALDWYN said that in every case of an outgoing and an incoming tenant there must be a valuation, in which two valuers were appointed. If they differed in such a case an umpire had to be called in to settle the matter, but, as a rule, they were able to agree. They did not want that system interfered with. They did not want all these matters referred to the Board of Agriculture for them to appoint an arbitrator. He thought the words as they stood did seem to preclude the ordinary course of valuation between an outgoing and an incoming tenant, because the noble Earl had inserted in the clause the words "under any custom or contract of tenancy." He did not think the subsection as it stood was at all sufficiently explicit to make it quite clear that the system he had referred to would not be interfered with. He was quite sure that the general wish of the agricultural world was that it should not be interfered with. He thought the Government might reconsider the point.

EARL CARRINGTON: We are quite prepared to accept the Amendment standing in the name of the Earl of Camperdown, to insert, after "1900," the following proviso—

"Provided that nothing in this section shall interfere with or prevent any contract or agreement between the landlord and tenant for an outgoing or other valuation."

VISCOUNT ST. ALDWYN thought this would meet the case, subject to the reconsideration of the words, if necessary, on Report.

*LORD BALFOUR OF BURLEIGH had no desire to interfere with a harmonious arrangement, but he did not think the insertion of the words proposed would meet the point. That proviso apparently was for a valuation which would not require to go to arbitration at all. Their point was that if they had to go to arbitration they should preserve the preliminary consideration of the matter between two friendly valuers, and should not be cut out of that method of procedure.

VISCOUNT GALWAY said that after the explanation of the noble Earl he was quite prepared to withdraw his Amendment, provided it was clearly understood that in no way would the old custom of each party having their own valuer be interfered with.

Amendment, by leave, withdrawn.

THE EARL OF CAMPERDOWN moved to alter the position of the words "notwithstanding any agreement to the contrary." This was, he said, little more than a drafting Amendment.

Amendment moved—

"In page 2, line 1, to leave out the words 'notwithstanding any agreement to the contrary and.'"—(*The Earl of Camperdown.*)

EARL CARRINGTON: If I understand the noble Earl correctly, we are quite prepared to accept his Amendment. As I understand, the sub-section, as he proposes to amend it, would read as follows—

"All questions which, under the Agricultural Holding Acts, 1883 to 1900 or the Agricultural Holdings (Scotland) Acts, 1883 to 1900, or this

Act, or under any custom or contract of tenancy, are to be determined by arbitration shall, whether the tenancy commenced before or after the passing of this Act, be determined, notwithstanding any agreement to the contrary, by a single arbitrator," etc.

THE EARL OF CAMPERDOWN: That is what I move.

EARL CARRINGTON: I do not in the least object to this re-arrangement.

On Question, Amendment agreed to.

*THE EARL OF YARBOROUGH, who had several Amendments on the Paper, said they were all designed with the object of carrying out what he believed had now been achieved by the acceptance of Lord Camperdown's Amendment. He did not intend, therefore, to move those Amendments.

*LORD HENEAGE questioned whether the proviso which Lord Carrington had expressed his willingness to accept would secure the retention of the custom in the various counties. He was not altogether satisfied that Lord Carrington clearly understood what the custom in some counties was. The present mode of procedure was that when there was a change of tenancy one valuer was appointed by the outgoing tenant, and one by the incoming tenant or the landlord, as they might choose; but under the present Act he was not an arbitrator and could not be an arbitrator. He could only be appointed as an agent, and his decision would only be able to be determined under the law of agency. That was to say, if two people agreed either by themselves or by their agents, under the law of agency that was a determination of the fact and was as good as law. But under this Bill they would not be able to do what was now the custom. The custom was for the two valuers to appoint an umpire beforehand, and if there was any single item upon which any difference of opinion arose, that item was referred to the umpire, whose decision the valuers were bound to accept. This was done at very little expense, and only the one item in dispute was arbitrated upon. If in the case of a valuation fixed at £500, one valuer thought there ought

to be another item added, and that it should be £550, what would go before the arbitrator for decision would be that solitary item; but, as this clause stood, if the two valuers did not come to an agreement, the whole question had to go before the arbitrator. The noble Earl had said that the object of the Board of Agriculture was, as far as possible, to lessen expense. He was afraid the contrary would be the result. What he wanted to be assured of was that if the Committee accepted the proviso to be moved by Lord Camperdown, they would retain the Lincolnshire custom and the other customs in the different counties. The noble Earl the President of the Board of Agriculture had received a deputation from the midland counties tenant right valuers and the tenant right valuers of the neighbouring counties, and when they asked whether or not the custom was preserved he only referred them to the Memorandum of the legal advisers of the Board of Agriculture. That Memorandum simply stated that two people might agree if they could, but if they could not, then the matter must go to arbitration. Therefore, he was not at all certain in his own mind, even if the proviso were accepted, that they would retain their present system and the legal rights they had had for generations.

EARL CARRINGTON: Unfortunately I was not brought up in the law. Therefore, I dare not give a legal opinion myself, and must take the opinion of our legal advisers. I am absolutely assured that all the points that the noble Lord has put before the Committee will be met. At any rate I can say that that is the object of His Majesty's Government. We do not want to interfere with any custom. All we want to do is to cheapen and simplify the process of arbitration, and to raise the *status* of the arbitrator. I think I can ease the noble Lord's mind about the single arbitrator's having to decide the whole question. The whole question may be brought before him, but if the two parties agree on every other question except one, I do not think even the most litigious person would wish to interfere with them. All he would have to arbitrate about would be the single question which it would be necessary to have decided. I believe the noble Lord

can rest perfectly assured that there is no intention, and there will be, I hope, no possibility of any of the customs referred to being interfered with. The whole system of arbitration will go on in the same way, save with the difference I have tried to point out. I hope Lord Heneage will be satisfied with that assurance.

THE DUKE OF NORTHUMBERLAND said this was so important a point that he hoped the noble Earl would excuse him for pressing it. The noble Earl said that the usual custom was to be preserved intact, but the custom, as he understood it from Lord Heneage's description, was two-fold—that two valuers were appointed, and that they appointed an umpire. Now, the umpire was done away with by the noble Earl's clause. Therefore, the clause, while not interfering with the custom so far as the appointment of valuers was concerned, did interfere with the custom in regard to the appointment of the umpire. If he was not right in that, he hoped the noble Earl would correct him. They were getting into a little confusion between the words umpire and arbitrator. As he understood, the noble Earl meant when he used the word "arbitrator" the same thing as Lord Heneage meant when he used the word "umpire." Lord Heneage's umpire was appointed by the parties without any expense and without any fuss, but the arbitrator under the noble Earl's clause would be appointed in the most expensive and operose way, and in his opinion to the detriment of the tenant.

EARL CARRINGTON: The custom would only be interfered with in this small point. The two old arbitrators or valuers if they do not agree cannot under this Bill appoint an umpire off their own bat; they can appoint an umpire if, and only if, they are authorised so to do by the landlord and the tenant respectively. That is the only difference between our proposal and the present custom.

LORD BELPER pointed out that if the agreement between the landlord and tenant was such as Lord Heneage

had mentioned, it was saved by the acceptance of Lord Camperdown's proviso to the effect that nothing in this section should interfere with or prevent any contract or agreement between the landlord and tenant for an outgoing or other valuation. It seemed to him that the case was entirely covered by the acceptance of this proviso.

Amendment, by leave, withdrawn.

VISCOUNT HILL moved to delete from sub-section (2) of Clause 1 the words, "notwithstanding any agreement to the contrary, and whether the tenancy commenced before or after the passing of this Act," and to insert in their place the words, "unless the parties agree to appoint their own arbitrator or arbitrators according to present usage." He found himself much in the same position as Lord Heneage. Even with Lord Camperdown's proviso he could not see but that the clause did away with the old custom in this matter. It had been the custom in nearly every county in England for the outgoing and incoming tenant each to appoint his valuer independent of the landlord, and before these gentlemen entered upon their valuation they themselves appointed an umpire to be called in if necessary. This system had worked most satisfactorily, and he would be within the mark in saying that 95 per cent. of tenant right valuations had been satisfactorily decided without resorting to the umpire. He wished to retain that part of the Agricultural Holdings Acts which gave an appeal to the Board of Agriculture should the two valuers not be able to decide upon a satisfactory umpire. As the old system had worked so well it was better to retain it. Under the clause as it stood there was considerable complication in the matter, and the appointment of an arbitrator by the Board of Agriculture would involve expense to both the outgoing and the incoming tenants. The Bill, instead of, as the President of the Board of Agriculture had declared, cheapening matters, would, to his mind, considerably add to the cost of valuation, and, even with Lord Camperdown's proviso, the present right of the tenants to appoint their own valuers would be done away with.

Lord Belper.

Amendment moved—

"In page 2, line 1, to leave out from the word 'shall' to the word 'be' in line 3, and insert the words 'unless the parties agree to appoint their own arbitrator or arbitrators according to present usage'."—(*Viscount Hill.*)

*VISCOUNT ST. ALDWYN said he was quite certain that what the noble Viscount desired would be effected by Lord Camperdown's proviso; it was the same thing. He therefore hoped the noble Viscount would not press his Amendment.

Amendment, by leave, withdrawn.

Drafting Amendment agreed to.

EARL FORTESCUE moved to amend sub-section (2) so that it would read that the arbitration should be determined "either" by a single arbitrator, etc. His object in inserting the word "either" was to enable people to avail themselves of the present practice, and to use Part II. of the Schedule to the Act of 1900 in the way they had been accustomed to for a great many years. Inconvenience would, he thought, be caused in many cases if this permission were not given.

Amendment moved—

In page 2, line 3, after the word 'determined' to insert the word 'either'—(*Earl Fortescue.*)

EARL CARRINGTON: I understand that my noble friend proposes that the clause should read in this way, that all questions shall be determined either by a single arbitrator, or by two arbitrators, and an umpire, in accordance with the provisions set out in Parts I. and II. of the second Schedule to the Agricultural Holdings Act. I hope the noble Earl will not press the Amendment. It might in some ways improve the existing arrangement, but it would perpetuate the dual system contained in the Act of 1900 which it is our declared object to simplify.

Amendment, by leave, withdrawn.

EARL CARRINGTON: The object of my next Amendment, which is really of a drafting nature, is to make provision as to the mode in which the amount awarded under any of the provisions of the Bill shall be recovered,

Amendment moved—

"In page 2, line 6, after '1900' to insert the words 'and any sum awarded by such arbitrator to be paid, shall be recoverable in manner provided by the Agricultural Holdings (England) Acts, 1883 to 1900, or the Agricultural Holdings (Scotland) Acts, 1883 to 1900, for the recovery of compensation.'—(*Earl Carrington.*)

*VISCOUNT ST. ALDWYN said this was not merely a drafting Amendment. There was a point of substance in connection with it to which he would like to call the noble Earl's attention. In addition to compensation to be awarded to the tenant there might also be compensation in respect of a counterclaim by the landlord against the tenant, and he submitted that whatever facility was given to the tenant for recovering his compensation should also be given to the landlord. Obviously both parties should be on the same footing.

EARL CARRINGTON: My attention has not been drawn to that point. I will make a note of it.

On Question, Amendment agreed to.

THE EARL OF CAMPERDOWN then submitted his proviso which the President of the Board of Agriculture had already signified his willingness to accept.

Amendment moved—

"In page 2, line 6, after '1900' to insert the words 'provided that nothing in this section shall interfere with or prevent any contract or agreement between the landlord and tenant for an outgoing or other valuation.'—(*The Earl of Camperdown.*)

EARL CARRINGTON: I accept the Amendment.

On Question, Amendment agreed to.

*LORD KNARESBOROUGH moved to insert at the end the following new sub-section—

"(3) Any award made under this Act shall, on the application of either party, specify the amount awarded in respect of any particular improvement or improvements or matter or matters to which the award relates."

He said that this Amendment was obviously necessary to carry out the intentions of the Legislature. This Bill

went much further than the Act of 1900, for it awarded compensation for damage by game and other incidents, so that it was necessary to add some words to the clause to bring it into line with the Act of 1900. Their Lordships would be unanimous in hoping that if the Bill became law it would work smoothly and cause as little friction and discomfort as possible. There was, however, nothing more likely to cause friction than any trouble with the arbitrators. He did not mean so much that they should necessarily be suspected of corruption or of leaning to the one side or to the other, but they might get into the way of giving slipshod decisions and guessing at a lump sum instead of carefully deciding on every point submitted to them. The arbitrators were entrusted with an arbitrary power, a power without appeal, of handing over to one man the money of another man. When a lump sum of money was awarded, they wanted to know exactly on account of what matters the arbitrator had awarded it, how much he had awarded for compensation to the tenant on each separate claim, and how much he had deducted for the counter-claim of the landlord. They wanted as much light as possible. Any one who had anything to do with arbitrations knew perfectly well that it was most difficult to get any light at all. *Dolus latet in generalibus* was a very good maxim in these affairs. In this matter there was no assistance from the common law, while under the old system of choosing two arbitrators, and their choosing an umpire, they had a safeguard in the fact that in the terms of reference to the umpire they could stipulate for any particulars wished for, even as far as a detailed valuation. A further safeguard was that, as the umpire had to be agreed on by both parties, if it got known that an arbitrator would not give the amount of information which the parties concerned wished for he would get no employment as an arbitrator. This safeguard was now entirely swept away. The arbitrator would now look for his appointment to the Board of Agriculture, and he would look for his instructions to the Act, so that it was absolutely necessary that in passing the Bill their Lordships should make it clear what the intentions of the Legislature were.

Amendment moved—

"In page 2, line 6, after '1900,' to insert the following new sub-section:—(3) Any award made under this Act shall, on the application of either party, specify the amount awarded in respect of any particular improvement or improvements or matter or matters to which the award relates.—(*Lord Knaresborough.*)

EARL CARRINGTON: I am very grateful to the noble Lord for the hope he has expressed that the Bill, if it should become law, should work smoothly. He has explained his Amendment so very clearly that I think it only remains for me to say that I am personally obliged to him for having brought it forward, and that I accept it in its entirety.

On Question, Amendment agreed to.

Moved, "That Clause 1, as amended, stand part of the Bill."—(*Earl Carrington.*)

THE DUKE OF NORTHUMBERLAND said that there was a point upon which he wished to have some information. This clause having abolished the elements that the valuer had to consider, he would like to know on what basis the valuer would proceed in assessing the value to the tenant of any improvements or any action he might have taken on the holding. He would put an extreme case by way of illustration. It was a case where a road was endangered by the sea. A tenant, through some action that he took, not very serious in character, had been able to save that road. Would the tenant be entitled to the value of the road? This was a case of the ordinary determination of a tenancy, not a case of disturbance. Was the tenant to be repaid the value of the improvement, or was he merely to be repaid the expense to which he had been put in taking the course that led to the improvement of the road? If the tenant were to receive more than his outlay, they would be giving to the tenant not that which he had a right to be compensated for, but something which was the landlord's. Although legally the landlord was responsible, primarily the charge fell on the incoming tenant.

EARL CARRINGTON: I understand the noble Duke to ask me whether, in the

event of a tenant resisting the ravages of the sea, by which I suppose he means if he mended the bank and kept the sea back, he would be able to claim that he should be paid for the land he had saved. Curiously enough, I know a case of that kind within my own experience. It was not, however, a case of the sea, but of drains. There was on one occasion what in Scotland, I suppose, would be called "a heavy spate," and great anxiety was shown as to the safety of the banks of one of those large drains in Lincolnshire. One of my own tenants saw that the water was beginning to trickle over one of the banks, and if the water came over the bank in any quantity it would flood the fen, which was below the water level. This tenant of mine wisely placed his cart on the top of the bank and get a lot of stones and strengthened the bank. The result was that the bank broke on my neighbour's side, to his great discomfort and annoyance; but I never heard of a claim being made by that worthy tenant of mine that he should be compensated for having saved, not only his own farm, but the farms of other tenants from being flooded. I think the case cited by the noble Duke was rather an extreme one to take. No Amendments of any kind have been put down on the Paper in regard to such a point, and I hope, in the circumstances, the noble Duke will be satisfied with having raised it.

THE MARQUESS OF LONDONDERRY complained that in the interesting and amusing narrative of the noble Earl no attempt had been made to answer the noble Duke's question.

*EARL EGERTON pointed out that if a tenant carried out work in respect of roads or banks which he was not under contract to carry out he should be compensated by the landlord for the amount of work done, but he acquired no proprietary right in respect of the road itself.

THE DUKE OF NORTHUMBERLAND said the noble Earl the President of the Board of Agriculture had not answered in the least the question put to him. He thought, therefore, that perhaps the best course to take would be to move

on Report the addition of the following words at the end of the subsection—

“and that such sum shall in no case exceed the fair value of the labour expended or the outlay incurred by the outgoing tenant.”

Clause 1, as amended, agreed to.

Clause 2 :—

EARL CARRINGTON: I have two drafting Amendments to this clause. The clause as it stands reads—

“Where a tenant has sustained damage to his crops from game that neither he nor anyone claiming under him other than the landlord has the lawful right to kill, he shall be entitled to compensation,” etc.

My Amendments would make the clause read—

“Where a tenant has sustained damage to his crops from game the right to kill and take which is vested neither in him nor in anyone claiming under him other than the landlord, he shall,” etc.

The Amendments are designed to make it clear that the tenant has a right to compensation for damage done by game during the close season.

Amendments moved—

“In page 2, line 8, to leave out the words ‘that neither he nor’ and to insert the words ‘the right to kill and take which is vested neither in him nor in,’ and in line 9, to leave out the words ‘has the lawful right to kill.’”—
(*Earl Carrington.*)

On Question, Amendments agreed to.

LORD REDESDALE moved an Amendment to provide that the compensation for damage done by game should be claimed from the person in whom the right to kill the game is vested. He said the Amendment was an exceedingly simple one. It did not affect the principle of the Bill, nor did it affect the principle of the clause. If the Amendment were accepted, the tenant would not be one penny poorer in any matter of compensation which the Bill might give him. The only thing he desired to do was to simplify the method by which he could obtain that compensation. The principle he desired to establish was a very just one. It was that the person who inflicted the damage should pay the compensation. He could not see why the landlord should be called in as

middleman between his tenant and the person who had inflicted the damage. He knew he would be told that the tenant had only his landlord to look to. The tenant had in many matters besides this looked to his landlord in the past, and, as Lord St. Aldwyn had pointed out on the Second Reading, he had not looked in vain. On the other hand, the landlord had received at the hands of his tenant great sympathy in many and various circumstances. It was an ideal relationship which at present existed between landlord and tenant, and anything which went to upset that good feeling would, to his mind, be disastrous to the tenant and inconvenient to the landlord. The Amendment simply desired to avoid friction and to simplify the method of obtaining compensation. If the landlord was to stand between the tenant and any other person, they would be creating new friction and new difficulty in country life. His opinion was that it would be as simple for a tenant to get his compensation direct from the man who had injured him as to obtain it by the intervention of the landlord. This intervention would raise ill-will between the landlord and the shooting tenant.

Amendment moved—

“In page 2, line 10, to leave out the words ‘his landlord’ and to insert the words ‘person in whom the right to kill game is vested.’”—(*Lord Redesdale.*)

EARL CARRINGTON: The noble Lord has put his case very clearly, and I regret that I cannot accept the Amendment. The Amendment is that the tenant should recover from the shooting tenant. On the face of it that certainly sounds fair enough, but the difficulties would be very great in working. The principle embodied in the Bill is that the tenant should be entitled to claim from the landlord direct, and I will try and explain why. The noble Lord said that his plan would avoid friction and that he wished to simplify the procedure. Of course, we quite understand that; but I would ask him to consider the case of the shooting that I mentioned in my speech on the Second Reading, where, though the weight of pheasants was only 5,000 a year, in the

announcement of the letting it was said that the property would easily carry 15,000 pheasants. Again, I tried to show the difficulties that a tenant would have in running all over the country to find the shooting tenant so as to recover from him. The shooting tenant would undoubtedly say, "I have taken this shooting and paid a large sum for it, and I ought to be clear of all liabilities." And I think very justly so, too. But there is another case. Suppose the shooting were let to a syndicate. What chance would the tenant have there? I know of a shooting that is let to a syndicate including an admiral, a parson, a doctor, a solicitor, and two other people. What earthly chance would the poor tenant have of bearding the admiral in his den, or of rushing after the other professional people? I do not think it would work at all. Since I have entered the House I have heard of a shooting tenant who went bankrupt, and the shooting was taken by someone else for ten days. What would be the position of the tenant in such a case? There is a great diversity of opinion among landlords on that point. I met a friend at the Cattle Show who pointed out that if these obligations were put on shooting tenants it might choke them off, or they would not pay such good rents. Moreover, the landlord can always make arrangements with the shooting tenant at the time when the shooting is let. I believe I shall have the Committee with me when I ask the noble Lord to withdraw the Amendment.

***VISCOUNT ST. ALDWYN** hoped his noble friend would not press the Amendment. He did not think that shooting tenants were quite such men of straw as the noble Earl opposite would make them out. Many of them, he thought, were better off than the landlords. He would point out that shootings were often let for very short terms. He had heard of a noble Lord who offered to let his shooting for five days. In such a case it would be almost impossible for a tenant to know to whom he was to look. He believed that the noble Earl opposite had promised that the date of the commencement of this clause should be postponed so as to enable fresh agreements to be made with regard to it, and if that was done he thought

Earl Carrington.

their Lordships would be well advised not to accept the Amendment.

LORD REDESDALE could not see that the reasons given by the noble Earl for not accepting the Amendment were at all valid. He did not himself attach very much importance to the difficulty of recovering from syndicates. Shooting tenants did not run about the country any more than other people, and he had heard of quite as many cases of bankrupt landlords as of bankrupt shooting tenants. But as it was apparently the wish of the Committee, he would withdraw the Amendment.

Amendment, by leave, withdrawn.

EARL CARRINGTON: I move to amend Sub-section 2—

"The amount of compensation payable under this section shall, in default of agreement made after the damage has been suffered, be determined by arbitration, but no compensation shall be recoverable under this section unless notice in writing of intention to make a claim for compensation is given to the landlord,"—

by omitting the words "intention to make a" and inserting the word "the." Your Lordships will see that this is only a drafting Amendment.

Amendment moved—

"In page 2, line 19, to leave out the words 'intention to make a,' and to insert the word 'the.'"—(*Earl Carrington*).

THE EARL OF CAMPERDOWN thought this was more than a mere drafting Amendment. It had to be taken in connection with Lord Carrington's Amendment which followed later on, to insert, after the word "landlord" the words "as soon as may be after the damage was observed by the tenant." As the sub-section would then appear it would read—

"The amount of compensation payable under this section shall, in default of agreement made after the damage has been suffered, be determined by arbitration, but no compensation shall be recoverable under this section unless notice in writing of the claim for compensation is given to the landlord as soon as may be after the damage was first observed by the tenant."

What he suggested was that notice should be given to the landlord as soon as

the tenant observed the damage being done, and before he made any claim at all. That was important. According to the Amendments to be moved by Earl Carrington the claim would be made at the same time as the landlord would be informed that the damage was occurring. He thought that a mistake. He suggested that these words should be inserted—

“ unless notice in writing is given to the landlord forthwith upon the discovery of damage occurring, and unless notice in writing of the intention to make a claim for compensation is given to the landlord.”

LORD HYLTON said he had an Amendment on the paper to meet the very point Lord Camperdown had raised. The words he proposed to insert were—

“ and unless notice of the damage has been given to the landlord as soon as it commenced.”

He thought their Lordships would recognise that when this Bill became law and a successful action had been carried through by one tenant, claims of this sort would arise all over the country. The point in question, therefore, was one of the most important in the clause. He hoped that his words, or words to that effect, would be inserted.

LORD HENEAGE said that one of the greatest difficulties that would arise under this clause, which necessitated that the notice should be given as early as possible, was the enormous amount of damage done in the spring by wood pigeons and crows. If the notice was put off until the autumn it would be absolutely impossible to say whether the damage was done by the wood pigeons and rooks or by the pheasants.

EARL CARRINGTON: I think the case will be met by the later Amendment which I have on the Paper. It is in page 2, line 20, after the word “ landlord,” to insert the words “ as soon as may be after the damage was first observed by the tenant.” I placed this Amendment down to meet Lord St. Aldwyn’s suggestion. It is designed to give effect to what is, I believe, the general view on both sides of the House, that the tenant should give notice to the landlord as soon as he discovers that damage by

game is being done. Will those words satisfy the noble Lord?

THE EARL OF CAMPERDOWN dissented.

EARL CARRINGTON: Then I would ask the Committee to accept my Amendments provisionally, and allow me to consider the point between this and the Report stage.

THE DUKE OF SOMERSET asked why the tenant should not be required to give information at once. The damage would be immediately observable. A tenant who did not go over his farm every day was a tenant he would not like to have on his land.

*VISCOUNT ST. ALDWYN said that Lord Carrington had intimated his willingness to insert the words “ as soon as may be after the damage was first observed by the tenant.” Did not that meet the point raised?

THE EARL OF CAMPERDOWN said notice of the damage was a thing by itself and ought to be given first. Then notice of the claim, if any, should be sent in. He wanted the two things to be separate.

EARL CARRINGTON: Will the noble Earl allow me to consider the point, and endeavour to meet his views if possible?

THE EARL OF CAMPERDOWN: Certainly; but in the meantime it would not be advisable to insert these words.

EARL CARRINGTON: They can be cut out afterwards, if necessary.

THE EARL OF DARTMOUTH said that Lord Carrington would probably lose his Amendments if he insisted upon them now. He suggested that the Amendments should be postponed till the Report stage, when the noble Earl could bring up fresh words.

VISCOUNT ST. ALDWYN urged the Committee to agree to the clause in the shape the Government desired to amend it, which was certainly better than the clause as it stood.

THE EARL OF CAMPERDOWN did not think the clause as proposed to be amended would be better than the clause as it stood. If the Committee inserted the words proposed by Lord Carrington, and left the other part unsettled, they would be getting into a difficulty.

THE CHAIRMAN OF COMMITTEES: If the Committee accepts these Amendments, the Bill will be reprinted with the Government Amendments in, and it will then be open to noble Lords on Report to move Amendments if the clause does not meet their wishes.

THE EARL OF CAMPERDOWN said if this was the wish of the Committee he would raise no objection. It should, however, be understood that they would expect the noble Earl himself to propose an Amendment on Report. On that understanding he would agree to the insertion of the Amendments now.

EARL CARRINGTON: I do not think I ought to be asked to give that undertaking. I will promise to give the best consideration I can to the point. After all, noble Lords opposite have the matter in their own hands, for any Amendment they move can be carried.

On Question, Amendment agreed to.

Amendment moved—

"In page 2, line 23, after the word 'landlord,' to insert the words 'as soon as may be after the damage was first observed by the tenant and.'"—(Earl Carrington.)

On Question, Amendment agreed to.

Amendment moved—

"In page 2, line 22, after the word 'raised' to insert the words 'or where the crop is intended to be consumed without being reaped or raised, at least three weeks before the crop is begun to be consumed.'"—(Earl Carrington.)

On Question, Amendment agreed to.

| Drafting Amendments agreed to.

LORD HYLTON said his point had not been met by the Amendment which had just been accepted, and therefore he moved the insertion of the words "and

unless notice of the damage has been given to the landlord as soon as it commenced." He regarded this as a perfectly clear provision, for unless words to this effect were inserted neither the landlord nor his agents would have any opportunity of preventing the very damage which might afterwards have to be dealt with under the clause. The words in his Amendment had been framed after consultation, and he was very disinclined not to take the sense of the Committee upon it.

Amendment moved—

"In page 2, line 26, after the word 'made,' to insert the words 'and unless notice of the damage has been given to the landlord as soon as it commenced.'"—(Lord Hylton.)

THE LORD PRIVY SEAL (The Marquess of Ripon): Has the noble Lord considered the meaning of his Amendment? As it reads, the tenant would be barred from compensation unless he gave notice at the first moment that the damage began—that is to say, at the first moment that the first pheasant ate the first grain of corn. I really do not think that is an Amendment which we can accept.

THE DUKE OF NORTHUMBERLAND agreed with the view taken by the noble Marquess. As he read the Amendment, if it could be proved that the tenant had not seen the first symptoms of damage the tenant would be debarred from claiming compensation. He did not think the provision in the Amendment was one which could be reasonably enacted.

*VISCOUNT ST. ALDWYN expressed a hope that Lord Hylton would not press his Amendment. Already words had been agreed to that notice should be given "as soon as may be" after the damage was first observed by the tenant. He thought that met the case.

LORD HYLTON: That only relates to the claim for damages.

*VISCOUNT ST. ALDWYN said that Lord Camperdown wished to raise this point on Report, and he thought they

had better see the clause in the shape the Government proposed.

On Question, Amendment negatived.

THE DUKE OF NORTHUMBERLAND
 had an Amendment to sub-section (3).
 This sub-section provided that—

“Where the landlord proves that, under a contract of tenancy made before the commencement of this Act, any compensation for damage by game is payable, or that in fixing the rent to be paid under such contract allowance in respect of such damage to an agreed amount was expressly made, the arbitrator shall, in assessing the compensation under this section make such deduction from the compensation which would otherwise be payable as may appear just.”

The noble Duke moved to vary the two first lines of the sub-section so that they would read—

“Where the landlord proves that, under a contract of tenancy, whether made before or after the commencement of this Act,” etc.

As the words at present stood there was some doubt whether the sub-section referred to the future. His Amendment would make it clear that in all future agreements the same arrangements might be made between landlord and tenant.

Amendment moved—

“In page 2, line 28, after the word ‘tenancy,’ to insert the word ‘whether’ and after the word ‘before,’ to insert the words ‘or after.’”—(*The Duke of Northumberland.*)

EARL CARRINGTON: I am very glad to accept that Amendment. We think it a very good one.

On Question, Amendment agreed to.

*THE EARL OF PEMBROKE, on behalf of the Earl of Powis, moved an Amendment to provide that the arbitrator, in assessing compensation for damage by game, should make deduction where the landlord proved that in fixing the rent an allowance in respect of such damage had been expressly made. The clause at present said where an allowance “to an agreed amount” had been made in fixing the rent. He moved to omit those words “to an agreed amount,” because in many cases, while the farm was let at what was called a game rent, the amount of reduction from the full rent was never expressly mentioned, and consequently the amount

of allowance for game damage was not an agreed amount. If these words were left in the sub-section a tenant might claim under this Act to be paid twice for any damage by game. These arrangements for allowances in the rent for damage by game were generally made in a friendly way and not expressed in the leases. Lord Powis had let a farm of 191 acres, the original rent of which was £180 a year, for £150 a year, in consideration of its being a game farm. There was a clause in that agreement, signed by the tenant, which ran as follows—

“It is acknowledged by the said . . . that the within-named rent has been fixed at a lower sum than the actual annual value of the land on the understanding that in the event of any damage being done by game the said . . . shall make no claim against the Earl of Powis for any damage so done.”

But in the case of farms which he (Lord Pembroke) treated on the same lines, the arrangements for allowance were not expressed in the agreements. He hoped his Amendment would be agreed to. He felt that the provision as it stood would be more harmful in many cases to the tenant than it ever would be to the landlord.

Amendment moved—

“In page 2, line 31, to leave out the words ‘to an agreed amount.’”—(*The Earl of Pembroke.*)

EARL CARRINGTON: I readily acknowledge that there is a great deal to be said for the case which the noble Earl has made out. It certainly would be a monstrous thing if, after the landlord had made a reduction in rent on account of any damage to crops from game, a litigious tenant should take advantage of the absence of any direct proviso in the agreement, and make a claim under this section, contending that there was nothing in his agreement to show that the reduction he had received was in respect of game and game only. I cannot, however, go so far as the noble Earl and say that I am against the express amount allowed for game damage being stated. Noble lords must think a little of the protection of tenants on estates that are not so well managed as their own. Therefore we press the provision that in all future agreements of this character the express amount of

allowance for game damage must be mentioned in the agreement. I am ready to go as far as this, that in existing cases the agreements should be taken as intended. But in all future cases I submit that it is imperative that the amount of rent reduction on account of game should be stated specifically.

*THE EARL OF PEMBROKE: Will the noble Earl move words to carry that out?

EARL CARRINGTON: If the Committee would permit me I would propose to move the following proviso to meet those cases—

“Provided that in the case of a contract of tenancy current at the commencement of this Act such a deduction as aforesaid shall be made whether the allowance was to an agreed amount or not, and whether the allowance was expressly made or not, and, for the purpose of this proviso, a tenancy from year to year shall be deemed to continue until the first day on which either the landlord or the tenant by giving notice could immediately after the commencement of this Act have caused the tenancy to determine.”

Although that is rather involved, as I am afraid many of these clauses are, I think the Committee will understand the spirit of the proviso. If, by any alteration of the words, I can make it clear that in all cases where the landlord has behaved in a gentlemanly and proper way, he is to be absolutely protected from paying twice, I shall be very pleased to make that alteration later. It must be understood that as soon as the tenancy becomes a fresh tenancy then the landlord must put into the agreement the express amount allowed for game damage.

*THE EARL OF PEMBROKE thought the words proposed by the noble Earl would meet the case, and suggested that they should be inserted in the Bill at this stage so that noble Lords could see them in print when the Bill was reprinted and judge of their effect.

LORD BURGHCLERE thanked the President of the Board of Agriculture for having expressed his willingness to insert the proposed proviso, which, as he understood it, carried out the suggestion he ventured to make in the course of his observations on the Second Reading. He thought then, and he still thought,

Earl Carrington.

that there would be a certain amount of injustice if a tenant had secured a farm at a rent which had been reduced on account of the weight of game carried, and then claimed under this Act to be paid again for any damage by game. He understood that Earl Carrington's proviso met that point, and he was much obliged to him for drafting it.

THE EARL OF CAMPERDOWN agreed that the words suggested by Earl Carrington met the case of fresh yearly tenancies, but they did not appear to meet the case of leases.

EARL CARRINGTON: That is just what the proviso does. All existing leases will be protected by the proviso. The only thing is that I ask the permission of the Committee to make it distinctly understood that when these leases are determined an express provision for game damage shall be put in.

*THE EARL OF LICHFIELD asked whether it would be necessary under the proviso in the case of yearly tenancies to give notice to every tenant.

EARL CARRINGTON: I do not think that would be necessary.

THE EARL OF PEMBROKE then withdrew his Amendment.

Amendment, by leave, withdrawn.

EARL CARRINGTON: I now beg to move the insertion of the proviso which I read to the Committee a few moments ago.

Amendment moved—

“To insert the following proviso—‘Provided that in the case of a contract of tenancy current at the commencement of this Act such a deduction as aforesaid shall be made whether the allowance was to an agreed amount or not, and whether the allowance was expressly made or not, and, for the purpose of this proviso, a tenancy from year to year shall be deemed to continue until the first day on which either the landlord or the tenant by giving notice could immediately after the commencement of this Act have caused the tenancy to determine.’—(*Earl Carrington.*)

On Question, Amendment agreed to.

Drafting Amendments agreed to.

EARL CARRINGTON: I beg to move to amend Sub-section 4, so that it will read—

“Where the right to kill and take the game is vested in some person other than the landlord, the landlord shall be entitled to be indemnified by such other person against all claims for compensation under this section.”

The insertion of the words “and take the” is really a drafting Amendment.

Amendment moved—

“In page 2, line 35, after the word ‘kill,’ to insert the words ‘and take the.’”—(*Earl Carrington.*)

*LORD ZOUCHE OF HARYNGWORTH asked whether this Amendment did not rather confine the operation of the sub-section to a shooting tenant only. A case might occur where a landlord owned a small property and did not have any game of his own upon it at all, but where damage was done to the tenant by the game belonging to a neighbouring owner. In that case the tenant would have to claim against his own landlord. Was it quite clear in the sub-section that in that case the landlord would be entitled to be indemnified by the other owner? It seemed to him that there was a considerable difference in the case of damage being done to a tenant by game which had nothing whatever to do with his landlord.

EARL CARRINGTON: This question of game coming from the property of a neighbouring owner is one of great difficulty. We have fully considered it, and on the whole we think it is the fairest way of dealing with it to make the landlord responsible for all the game that is on his property. Honestly, I do not see how any other way could be arrived at. Game, when on a man's estate, is his own property and he is responsible for what that game does.

THE EARL OF DENBIGH said that if a tenant suffered damage from game coming from an adjoining property and then claimed compensation from his landlord, his landlord in turn could claim compensation from the adjoining landlord under the common law.

EARL CARRINGTON: That is so.

LORD BELPER asked Earl Carrington to explain the meaning of his Amendment. It appeared to him that the words proposed to be inserted restricted the right of the landlord to recover from the shooting tenant.

EARL CARRINGTON: The words mean to kill with a gun and take with a trap or net game that he has a right to kill or take in any way. You can take partridges with a net and you would not kill them. I believe a very lucrative business is done among the crofters in Scotland by netting grouse.

LORD BELPER expressed the hope that if this was the explanation the noble Earl would alter his Amendment to read “or take the” instead of “and take the.”

EARL CARRINGTON: I agree.

Amendment, as amended, agreed to.

Drafting Amendment agreed to.

EARL CARRINGTON: The object of the next Amendment is to clear up any ambiguity about the meaning of the word “year.”

Amendment moved—

“In page 2, line 41, after the word ‘game,’ to insert: ‘The expression “year” means the calendar year or such other period of twelve months as may be agreed between the landlord and the tenant.’”—(*Earl Carrington.*)

THE EARL OF CAMPERDOWN thought this was the wrong place to put in a definition of a word which applied to the whole Bill. It had no particular reference to this section, and therefore ought to be dealt with in the definition clause at the end.

EARL CARRINGTON: I cannot see any objection to putting it in the definition clause at the end of the Bill if the noble Earl desires.

Amendment, by leave, withdrawn.

Clause 2, as amended, agreed to.

Clause 3:—

THE EARL OF GALLOWAY moved to amend sub-section (1) by omitting

the word "Notwithstanding" at the commencement of the sub-section, and inserting, "Except in the case of." The sub-section would then read—

"Except in the case of any custom of the country or the provisions of any contract of tenancy or agreement respecting the method of cropping of arable land, or the disposal of crops produced upon the holding, a tenant shall have full right to practise any system of cropping of the arable land and to dispose of the produce of his holding without incurring any penalty, forfeiture, or liability contained in any such contract of tenancy or agreement, provided that he shall previously have made, or, as soon as may be, shall make, suitable and adequate provision to protect the holding from injury or deterioration, and provided also that he shall return to the holding, as soon as may be, the full manurial value of all crops sold off or removed from the holding."

The effect of his Amendment was, he said, to retain the law of contract which had been the foundation of our commerce. He could understand that, in cases where a man was of weak intellect and incapable of making a fair bargain, or where a contract was detrimental to the public service, the State should step in and declare that such a contract should not be upheld. But this was not the case in regard to the contracts in question. He asked their Lordships whether it was not the fact that the tenant farmers of Great Britain were well able to take care of themselves. In entering into these contracts they knew perfectly well what they were about, and he was convinced that they intended fulfilling them. Therefore why should the Government at this stage step in and tell them they need not comply with their contracts? It was immoral for the Legislature to declare to a free man in a free country that he was not compelled to fulfil a contract he had entered into. According to the public Press, his noble friend the President of the Board of Agriculture had been having some agreeable little parties during the week with the tenant farmers of Great Britain, and he would respectfully ask the noble Earl, if those gatherings had not yet come to an end, to put to those tenant farmers the question whether they were unwilling, or considered themselves unable, to fulfil the contracts they had made. He was quite certain that the tenant farmers would treat with scorn any idea that they were not willing to

carry out those contracts. But, human nature being what it was, it was quite natural that if a gift was offered to them they would not cast it away; but they would, he was quite certain, at the same time feel that they had not acted fairly by their landlords. A contract was generally made, so far as Scotland was concerned, for nineteen years; and if in the middle of that period the Legislature stepped in and declared that the tenant was at liberty not to carry out the conditions of the contract, great injustice would be done to the landlord. Certain provisions had been made in the original lease which had to be fulfilled and which were the cause of the rent's being fixed at a lower rate. In every lease upon his own estate there was a clause under which no tenant could claim compensation for game until after £25 worth of damage was done. That meant that under every lease upon his estate the farms were £25 under-rented, because it was expected that there would be damage done by game to that extent. His estate had been held by his family for 300 or 400 years, and the best of relations had always prevailed between them and the tenancy. He might mention that on several of his moorland farms the tenants planted a bit of cropping in order to allow their landlord to have some sport. He would like to know where this sort of legislation was going to stop? Were they going to have the law of contract continually thrown in their face as worth nothing? It was quite possible that noble Lords sitting on the Government benches might not have as much land as other Members of this House, but as business men they were making contracts of various kinds every day, and what would they think if in commercial contracts made three or four years ago the Legislature stepped in and cancelled them? Simply because this was a question of the land an exception was made. He thought this was a point which ought not to pass without the few observations he had made, and he begged to move the Amendment standing in his name.

Amendment moved—

"In page 3, line 1, to leave out the word 'notwithstanding' and to insert the

words 'except in the case of.'"—(*The Earl of Galloway.*)

EARL CARRINGTON: The Committee would hardly wish me to go minutely into the law of contract, but I have in my possession all the precedents for this proposal, but I do not think it is necessary for me to go into them in detail. If any South of Scotland farmers come to see me on Friday next I shall certainly ask them the question whether they approve of freedom of cropping, or whether they wish the old system of restricted covenants to be carried out. If they happen to be the noble Earl's tenants I feel certain what the answer will be. They would say that having been for 300 years on the ground they were perfectly happy, and their only wish would be to remain under so good a landlord during the rest of their lives. The Government cannot possibly accept this Amendment, and I think the noble Earl will agree with me when he examines how the clause would be altered by his proposal. I will just read to the Committee how the clause will read when the alterations suggested by the noble Earl have been made in it. It will read—

"Except in the case of any custom of the country or the provisions of any contract of tenancy or agreement respecting the method of cropping of arable lands."

If the noble Lord had such a great objection to the clause he ought to have moved its omission at an earlier stage. I hope that the Committee will not support the noble Lord in his Amendment, because it would practically stultify and emasculate Clause 3.

THE EARL OF GALLOWAY denied that his Amendment destroyed the clause, and all it did was to make it not retrospective. It did not affect the principle of the Bill at all.

Amendment put, and negatived.

THE EARL OF CAMPERDOWN moved to omit, in line 3, the words "of arable land."

Amendment moved—

"In page 3, line 3, to leave out the words 'of arable land.'"—(*The Earl of Camperdown.*)

LORD TWEEDMOUTH said the Government considered it was very desirable that the drafting of those words should be changed, and in order to make their meaning quite clear they would be pleased to accept the suggestion of the noble Lord.

On Question, Amendment agreed to.

***LORD BALFOUR OF BURLEIGH** moved an Amendment to the effect that a tenant should have full right to practise any system of cropping of the arable land provided it was "consistent with the rules of good husbandry." This Amendment was one of considerable importance, and the question for the first time brought them face to face with one of the difficulties of dealing with England and Scotland within the terms of one Bill. This clause was designed primarily to give freedom of cropping to yearly tenants. It was obvious from the history of the Bill that the authors of it intended it to apply to the customs of the country with which they were acquainted, and it was apparent that they had scarcely heard of the existence of Scotland, of the customs or of the leases which prevailed there. What they did in this clause was apparently to give complete freedom of cropping, with a claim for damages if bad cropping was resorted to. That might be all very well in this country, because it could not go very far in the case of a yearly tenancy, and only one or two years' bad cropping at the most could possibly go on. If, however, they gave absolute freedom of cropping under a nineteen years lease, which was the custom in Scotland, the whole farm might be absolutely ruined before the landlord could stop the damage going on. It was perfect nonsense to offer the landlords a claim for damages for this sort of thing, because it was utterly impossible to estimate the damage in money. It was a matter which could only be put right by long and careful management of the farm. He suggested that his Amendment was quite reasonable, because he did not suppose that the Government in their wildest moments desired to give freedom to their tenants to do a bad thing. Under the clause as it stood there was nothing to prevent a tenant taking as much as he

could out of the land. He might have eight or ten white crops in succession if he liked, and if that were done it was obvious that it would ruin the whole farm for a long series of years, and under the clause as it stood Scottish landlords would have no remedy at all. Surely the Government did not wish to give a tenant power to do anything which was not consistent with the rules of good husbandry. If that was their view it was only reasonable that the words he suggested should be inserted in the Bill. He did not deny for a moment that in some cases the rights of the landlord might be carried too far. In some instances there might be in operation useless relics of past practices, but nevertheless he thought some restrictions were absolutely necessary, and those which he wished to retain by this Amendment were universally admitted by every practical man, whether tenant, landlord or agent, or anyone connected with agriculture, to be absolutely sound and in the interests of everybody concerned. It was obviously not in the interests of the landlord to have his land run out, and it was not in the interests of the community that the land should be impoverished. The only person interested in such a matter as that were the small minority of rascally tenants who wanted to take everything they could out of the land and give nothing in return. It was only bad tenants who had recourse to that kind of thing and not the good tenant, and bad tenants who resorted to that practice would be sure to be men with no means which could be got at in order to compensate the damage done. At any rate, in his opinion prevention was better than cure. He hoped his suggestion would be adopted if only for the credit of their Lordships' estates. He was sure there was nothing more unpleasant than to drive past one's estate and see the land being impoverished and their friends and neighbours saying to them "Look how badly your property is being managed." Under this clause the only reply they would be able to make would be that they were powerless to prevent it. He did not want to keep up obsolete restrictions, but when this great change was being made he thought they were entitled to have satisfactory

Lord Balfour of Burleigh.

safeguards, and they ought to impose a condition that only such departures from their bargains should be made as were consistent with the rules of good husbandry.

Amendment moved—

"In page 3, line 5, after the word 'land,' to insert the words 'consistent with the rules of good husbandry.'"—(*Lord Balfour of Burleigh.*)

LORD HENEAGE asked whether the noble Lord who had just sat down would not prefer the Amendment standing on the Paper in the name of Lord Penrhyn. The Amendment which had just been moved was no doubt extremely good for Scotland, but in England they had different kinds of husbandry and different customs in various parts of the country, and what they wanted was that the land should be cultivated in such a way as to bring about the best results according to the nature of the soil and the rules of husbandry in those particular districts. Whilst he did not wish to oppose Lord Balfour's Amendment, he thought if the noble Lord would accept the next Amendment on the Paper it would be much better for England than the one which he had moved.

LORD BALFOUR OF BURLEIGH said he thought they were entitled to have some reply from the Government.

EARL CARRINGTON: I understand from Lord Heneage that he wishes Lord Balfour's Amendment to apply to England. [Cries of "No."]

LORD BALFOUR OF BURLEIGH: I think my Amendment is equally applicable to England.

LORD HENEAGE said he did not think it would be so good for England as the one standing in the name of Lord Penrhyn, which proposed to insert in Clause 3 the words, "generally recognised in the district as good husbandry in respect of land of a like character." The Amendment of Lord Balfour proposed to insert the words, "consistent with the rules of good husbandry," and he did not think that provision was

so suitable for England as the words suggested by Lord Penrhyn's Amendment.

EARL CARRINGTON: Then I understand that the noble Earl objects to Lord Balfour's Amendment. I listened very attentively to Lord Balfour's speech, and although the Government would not object to his contention, we do strongly object to and cannot agree to his words. We think his Amendment is undesirable on the ground that it tends to restrict the freedom of cropping proposed to be given by this Bill, and it will give rise to difficulties as to what good husbandry really means. Of course any departure from the custom of the country would be regarded as contrary to good husbandry. At the same time, as your Lordships are aware, provided land is properly treated with artificials, a departure from the custom of the country is not only possible but sometimes profitable, and may be adopted without any deterioration of the holding. I think there would be a good deal of difficulty caused if these words were inserted. The noble Lord said the freedom of the tenant to do a bad thing was very objectionable, and I quite agree with him. I was rather brought to book because I did not mention in my speech on the Second Reading that there was such a thing as a bad tenant. I do not think anyone who has been a landlord for forty years would be likely to deny that there was such a thing as a bad tenant, but what I wish to point out is that the object of this Bill is to put every difficulty in the way of a bad tenant and if possible to get him off the estate, because a bad tenant is a greater nuisance to his landlord and his neighbours than a bad soldier is in a regiment.

* LORD BALFOUR OF BURLEIGH: Will the noble Earl point out one difficulty that is put in the way of the bad tenant by the Bill?

EARL CARRINGTON: If a tenant injures or deteriorates his holding, not only can the landlord recover damages from those whom the noble Lord has described as rascally tenants, but he can also get an injunction against them. The noble Lord has referred to a suppositious individual who would undertake

eight white crops running. Evidently he had forgotten that there were such persons as agents or factors, and the landlord or his representative would be very much to blame if he allowed any tenant to have eight white crops running.

* LORD BALFOUR OF BURLEIGH: But under this Bill as it stands the factor or agent of the landlord is absolutely deprived of any power of that kind in the case of a lease.

EARL CARRINGTON: I see the noble Lord's point. He maintains that in the case of a lease a landlord would be practically at the mercy of the tenant. My point is that in many districts any departure from the ordinary rotation of crops would be regarded as contrary to the rules of good husbandry, and I trust that on this account the noble Lord's Amendment will not be pressed. There is, I admit, the risk which the noble Lord has pointed out, but it is only a very small one. [Cries of "No, no."] At any rate, I do not think the risk is as great as noble Lords opposite seem to fear, and I hope the clause will be accepted as it stands.

* THE MARQUESS OF LANSDOWNE: I hope my noble friend will press his Amendment, and that the noble Earl will reconsider the attitude which he has assumed towards it. The answer he has given seems to me to be absolutely inconclusive. Does he really mean to suggest to the Committee that the tenant should under this Bill be given a right of free cropping inconsistent with the rules of good husbandry, because that is what his refusal to accept this Amendment implies. Let me remind your Lordships that these Bills—I use the plural because we have had other Bills of a similar character lately—are recommended on the ground that there are to be found here and there capricious and harsh landlords who treat their tenants badly. The noble Earl has admitted that those cases are extremely rare, and I venture to say they are much rarer than the case of the reckless and unscrupulous tenant who, by maltreating his farms, does an amount of damage which it takes years to set right. I hope that unless the noble Earl is able to give us some more satisfactory assurance

than we have yet received your Lordships will support my noble friend's Amendment.

THE EARL OF PORTSMOUTH said that Lord Balfour of Burleigh had stated that this clause as it stood gave no sort of kind of protection to a landlord in the case of a lease. He happened to be a landlord, although he sat on the Ministerial side of the House, and he confessed that if the arguments of the noble Lord were true this clause would certainly be a most indefensible one. He did not pretend to be a lawyer himself, but as he read sub-section (2), if a tenant exercised his rights in such a way as to injure or deteriorate the holding the landlord could recover damages. The words of sub-section (2) were—

“if the tenant exercises his rights under this section in such a manner as to injure or deteriorate the holding, or to be likely to injure or deteriorate the holding, the landlord shall be entitled to recover damages in respect of such injury or deterioration or, as the case may require, to obtain an injunction restraining the exercise of the rights under this section in that manner, and the amount of such damages may, in default of agreement, be determined by arbitration.”

The landlord also could obtain an injunction restraining his tenant from doing anything which would injure or deteriorate his holding. Surely those words covered the case of the tenant mentioned by Lord Balfour of Burleigh who, holding his farm under a lease for nineteen years, cropped his land in the injurious way suggested for four or five years in succession. The object of the sub-section was that in such a case the agent presumably, or the landlord himself, could give the tenant notice of the condition of things and could obtain an injunction against him.

*LORD BALFOUR OF BURLEIGH : There is no such thing in Scotland as an injunction.

THE EARL OF PORTSMOUTH said he was speaking more as regarded the state of things in England, but he was assured that words were already in the Bill which would cover the point that had been raised. [Cries of “Where?”] At any rate if they were not already in the

Bill the Government would undertake to put them in.

THE MARQUESS OF LONDONDERRY hoped it was distinctly understood that if the point raised by the noble Lord was not already provided for, words to meet the case would be inserted in the Bill at a later stage. He would like to know where those words would be put in.

*THE DUKE OF RICHMOND said that personally he preferred the Amendment of Lord Heneage because, although it carried out the same idea as the Amendment moved by Lord Balfour of Burleigh, it was rather wider in its terms and would embrace those cases where husbandry was carried on in different ways in various parts of the country. He thought the noble Lord who had just spoken had missed the point in the same way as his noble friend in charge of the Bill. They were told that they might proceed against their tenants by injunction, and that landlords had factors who went about to see what was going on. He wished to point out that in the past landlords had not had occasion to use their factors as detectives in order to ascertain what was going wrong on any particular holding, and they had got on much better without resorting to that course. As regarded freedom of cropping he thought their Lordships would have to insert some provision in addition to those already in the Bill. He had no objection to freedom of cropping, and his property in Scotland was mainly let upon nineteen years leases. In those leases freedom of cropping was absolutely sanctioned with the restriction that during the last four years of the tenancy the farm should be brought back to its ordinary condition. This was necessary in order to tempt anyone in search of a farm to take it when a change of tenancy occurred. They were told that they could get damages from the tenant, but the man who was likely to injure a farm by cropping in a deleterious manner was the last person in the world they would be likely to get damages from, because the only tenant who was likely to resort to that kind of thing would be a man who was on his last legs. He hoped the Committee would not take the advice

given by the noble Lord in charge of the Bill that artificials should be substituted to avoid the deterioration of a farm. He happened to have had an instance of that kind upon his own property in which everything that was possible had been taken out of the farm and the tenant had endeavoured to set it right by putting artificials into the soil. That farm eventually came into his hands when the tenant left, and for the last five years he had been trying to get it into a condition to let to another tenant, and this had been rendered necessary because the value of the holding had been destroyed by an improper and over use of artificials. He trusted that the Government would be able to accept at least one of the two Amendments which had been suggested.

***LORD BALFOUR OF BURLEIGH** said he was willing to withdraw his own Amendment and move that standing in the name of Lord Penrhyn, who was absent.

Amendment, by leave, withdrawn.

Amendment moved—

"In page 3, line 5, after the word 'land' to insert the words 'generally recognised in the district as good husbandry in respect of land of a like character.'" — (*Lord Balfour of Burleigh*.)

EARL CARRINGTON: I was under the impression that under the clause as it stands at present if a tenant is deteriorating or injuring the farm the landlord has a right to claim damages and to apply for an injunction to stop that deterioration. I am told upon the highest authority that that is the case. I will, however, undertake to insert words to make it absolutely clear that no man because he is a leaseholder shall have the right, which is manifestly unfair and unjust, to damage his holding in the way suggested. The great object of this Bill is to do justice to both landlord and tenant, and to allow a tenant to have eight white crops running is certainly a thing that I would never agree to. I object to the words "good husbandry" because I am sure they would cause considerable difficulty. [Cries of "No."] At any rate, I am afraid that I cannot

possibly accept those words, but I offer as an alternative and as a compromise that if the noble Lord will accept the words as they stand I will see that it is made beyond all possible doubt or question that, in the case of a lease, the landlord should have the right at once to obtain an injunction under the circumstances which have been mentioned and that he shall be able to recover damages in the case of any improper conduct on the part of his tenant. That is as far as I am able to go in this matter.

LORD BELPER said they ought to do all they could to encourage the farmer to adopt the system of farming prevalent in his district. He thought the words contained in Lord Penrhyn's Amendment were sufficiently wide to cover the systems adopted in both countries where the land might vary and where, in order to secure successful farming, it should be worked in a particular way. He would like to know why the words suggested in Lord Penrhyn's Amendment were objected to.

THE MARQUESS OF RIPON: I hope my noble friend Lord Balfour of Burleigh, will accept the suggestion which has been made on behalf of the Government. It would be unfortunate after the full promise which has been made by my noble friend if your Lordships took a division on this subject without knowing what the ultimate proposals of the Government are to be. This is really a Scottish question. [Cries of "No, no."] I do not know that noble Lords have any right to interrupt me because I state that this is a Scottish question. I believe it is a Scottish question, and it is certainly not an English question as far as this particular point is concerned, because it is obvious that an injunction would apply in the case of England, although it might not apply in the case of Scotland. For these reasons I think it would be better not to take a division, because that course would leave my noble friend free to bring up the proposal which he intends to do to give the landlord that security which I think it is only right and just he should have. As far as the clause itself is concerned, it is one to which I attach great importance, I believe that in these days the principle it contains is a

right and just one. It is a principle of public policy to secure to the tenant who invests his money in agriculture the right to exercise his own free judgment in regard to the manner in which he carries on his industry. If I may allude to my own case for a moment, I may say that I have had in my own agreements with tenants for the last eleven or twelve years provisions almost exactly the same as I find provided for in this clause. Those agreements have never produced the slightest difficulty, and if the position of a Scottish landlord is made secure, as has been promised by my noble friend, I think it will be much better if no division is taken upon this point.

***LORD BALFOUR OF BURLEIGH** said it was very difficult to resist the appeal which had been made by the noble Marquess, but he did not understand from conversations he had had with noble Lords that they regarded this as a Scottish question at all. He agreed that

primarily, it was a Scottish question because Scottish landlords were more affected by it on account of their system of long leases and because it was designed mainly to meet the case of the yearly tenant. He really thought after the months during which this Bill had been discussed, and the time it had been before this House, that the President of the Board of Agriculture ought to have put down on the Paper words which would have shown that the matter had really been considered by the Government. He did not want to be unreasonable, but he did not see why the Government should not allow them to insert these words now, and if at a subsequent stage they could produce anything better they might adopt that course. He thought they would be losing a good opportunity if they did not now insert this Amendment.

On Question, "That those words be there inserted," their Lordships divided:—
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Amendment moved—

“In page 3, line 7, to leave out the words ‘contained in any such contract of tenancy or agreement.’”—(*Earl Carrington.*)

On Question, Amendment agreed to.

Amendment moved—

“In lines 8 and 9, to leave out the words ‘shall previously have made or as soon as may be shall make,’ and insert, ‘from time to time and as soon as may be makes.’”—(*Earl Carrington.*)

EARL CARRINGTON said the Amendment which had just been read to the House was simply a matter of drafting. It was thought that new words were necessary which would more adequately express what the tenant should do in order to protect the holding from injury or deterioration, and he hoped the words suggested would be satisfactory. Viscount Hill and Lord Wemyss.

THE EARL OF CAMPERDOWN said that this was not a drafting Amendment

at all. He would like to read to the Committee the clause as it would stand after this Amendment had been made. It would read—

“Provided that he from time to time and as soon as may be makes suitable and adequate provision to protect the holding from injury or deterioration.”

What did the words “from time to time” mean? They really meant no time at all, and the words “as soon as may be” meant as soon after that as possible. The noble Lord by this Amendment appeared to be taking the whole meaning out of the words of the clause.

*VISCOUNT ST. ALDWYN hoped they would have some further explanation from the noble Earl. If a tenant sold produce which he had no right to sell, provision ought to be made to compensate the holding for such sale. He did not think the noble Earl improved his clause at all by the words he was proposing to substitute. On the contrary, he appeared to him to make its terms more vague than ever.

EARL CARRINGTON: I agree that these words are rather complicating, and if the noble Viscount thinks they ought to be altered I will undertake to bring them up again on Report in the hope of making them more clear. I think the words might be improved, and I hope we shall be able to improve them.

THE DUKE OF NORTHUMBERLAND said he did not know what the words "as soon as may be" meant.

EARL CARRINGTON: I should think they mean as soon as may be possible.

Amendment, by leave, withdrawn.

THE EARL OF CAMPERDOWN moved to insert after the word "provision" the words "in accordance with the custom of the country or the provisions of the contract of tenancy." The tenant had to make "suitable and adequate provision," but there was no explanation in the clause of what that meant. By his proposal he endeavoured to define as far as possible what the tenant had to do. The operative part of the clause was that a man was to be entitled to freedom of cropping and to sell his produce notwithstanding any custom of the country or the provisions contained in his contract. The only suitable and adequate provision which in his opinion the tenant ought to make to protect the holding from injury or deterioration was that he should work his farm in accordance with the custom of the country and the provisions of his contract of tenancy. He hoped the noble Earl would not reply that this proposal was going against the principle of the clause.

Amendment moved—

"In line '9, after the word 'provision' to insert the words 'in accordance with the custom of the country or the provisions of the contract of tenancy.'"—(*The Earl of Camperdown.*)

EARL CARRINGTON: I hope the noble Lord will be able to accept the words of the clause as they stand. I think it is contrary to the interests of the landlord to introduce such limiting words as these. The Amendment will only complicate

matters, and it is not necessary to stipulate that the farm should be worked in accordance with the custom of the country, because in order to safeguard the landlord there is a provision that the tenant shall undertake not to injure or deteriorate his farm. I think that proviso is quite adequate.

*VISCOUNT ST. ALDWYN asked whether these words would be necessary after the Amendment which had been inserted in the first few lines. The whole clause was now subject to the rules of good husbandry, and that in his opinion would meet the point of this Amendment.

THE EARL OF CAMPERDOWN asked leave to withdraw his Amendment.

VISCOUNT GALWAY said that while they were dealing with this question of injury to and deterioration of the holding he would like to know how the question of dilapidations would be affected. Would the landlord be able to recover damages for dilapidations in the same way as before?

THE EARL OF CARRINGTON: Anything that is contained in the tenant's agreement he will be bound to observe.

Amendment, by leave, withdrawn.

Amendment moved—

"In page 3, lines 10 and 11, to leave out the words 'and provided also that he shall return to the holding as soon as may be,' and insert 'which provision shall in the case of disposal of the produce of the holding consist in the return to the holding of.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

EARL CARRINGTON, in moving to insert the following proviso—

"Provided that this sub-section shall not apply (a) in the case of a tenancy from year to year, as respects the year before the tenant quits the holding, or any period after he has given, or received notice to quit which results in his quitting the holding; or (b) in any other case, as respects the year before the expiration of the contract of tenancy,"

said—It has been noticed that the word "crops" includes wheat, barley and

oats, and therefore the words which I have proposed are necessary. They provide that the tenant will not be obliged to return the manurial value of crops which are not usually required by custom or contract to be consumed on the holding.

Amendment moved—

"In page 3, line 12, after the word 'holding' to insert the words 'in contravention of the custom contract or agreement.' Provided that this subsection shall not apply—(a) in the case of a tenancy from year to year, as respects the year before the tenant quits the holding or any period after he has given or received notice to quit which results in his quitting the holding; or (b) in any other case, as respects the year before the expiration of the contract of tenancy."—(*Earl Carrington.*)

THE EARL OF CAMPERDOWN pointed out that there was an Amendment standing in the name of the Duke of Richmond which he thought ought to be discussed before the Amendment under consideration was disposed of.

*THE DUKE OF RICHMOND said he was afraid that if this Amendment was now discussed and carried, the Amendment standing in his name would be shut out altogether.

*VISCOUNT ST. ALDWYN though the noble Duke ought to move his Amendment now.

THE EARL OF CAMPERDOWN said it was quite clear that the words which Earl Carrington was now proposing had been brought up from the end of the Clause 7, and if they were inserted the Amendment to insert the words "last our years" would be precluded.

THE EARL OF PORTSMOUTH thought that the noble Duke ought to move his Amendment now.

*THE DUKE OF RICHMOND moved as an Amendment to the proposed Amendment to strike out the word "year" in sub-section (b) in order to insert the words "last four years." He said that if land were badly farmed, at least four years would be required to get the farm back into proper condition. This was a matter which arose in regard to freedom of cropping, and his con-

tention was that if they were not going to limit the time during which a tenant could indulge in cross-cropping or mis-cropping to the detriment of the farm, one year was not sufficient for the farm to recover, and at least four years would be required to get the farm back into its proper condition. He had no trouble whatever with his own tenants in regard to freedom of cropping, and the only provision he made was that during the last four years certain of the crops were to be consumed on the farm. If they allowed a tenant to mis-crop his farm in a deleterious way to within a year of the expiration of his lease, they would find at the end of his tenancy that the chances of letting the farm were very much diminished by the malpractices which had been going on. Those were the reasons why he put this Amendment down. He failed to see that any hardship would be inflicted upon the tenant, because, as a matter of fact, this was the practice at the present moment. It had been the practice for many years on a good many properties in Scotland, and there had not been one word of complaint in regard to it on the part of the tenants.

Amendment moved to the proposed Amendment—

"In sub-section (b) to leave out the word 'year,' and insert the words 'last four years.'" —(*The Duke of Richmond.*)

LORD HYLTON said they were all in favour of freedom of cropping wherever it could be done, and he had no doubt that most of their Lordships' agreements gave very large powers in that respect. In the case of certain leases clauses were put in for the protection of the landlord which he thought were absolutely necessary to secure common justice. He had in his possession a letter from a large landowner on this point. He wrote—

"I have let an estate to an agricultural tenant on a short lease of seven years at a very low rent, below the rents current in the neighbourhood, on certain conditions as to cropping and the disposal of the produce."

He explained that he had done this in order to get certain conditions. In a case like that there would be no protection for landlords whatever unless some such Amendment as that proposed by the noble Duke was inserted.

EARL CARRINGTON: I regret that I am absolutely unable to accept the noble Duke's Amendment. He wishes to compel the tenant for the last four years of his lease to crop according to the rotation of crops. This is objected to by all the Scottish representatives for the reason that it would very seriously restrict the rights given to the tenant. The adoption of this proposal might lead to an unwillingness on the part of tenants to accept leases, and that result would be very much deplored in Scotland. We think the landlord is sufficiently safeguarded by the clause as it stands, and we ask the Committee not to accept this Amendment. As far as I am informed the feeling in Scotland is against it, and I very respectfully ask the Committee not to agree to it.

LORD SALTOUN hoped the Committee would divide upon this proposal, because there was not the slightest doubt that a period of three or four years was the least time in which it was possible to get the land back into its proper condition. If a farm was handed back to the landlord in

any sort of condition he would not be able to get the same rent for it, because he would have to begin by putting the land in a proper state for the rotation of crops before he could get a tenant. He hoped, therefore, that the noble Duke would press his Amendment to a division.

*VISCOUNT ST. ALDWYN said that this question showed the extreme difficulty of including leases in the clause. There were the same reasons for the noble Duke's Amendment as for the insertion of the words "consistent with the rules of good husbandry," which had been already agreed to. The landlord who was bound by a lease, and saw the tenant working out the farm without the power to prevent him, was in a very different position from the landlord who had let his land on a yearly tenancy. If the conditions were not made more fair for leases the landlords would not grant them.

On Question, "That the word 'year' stand part of the proposed Amendment," their Lordships divided:—Contents, 36; Not-Contents, 112.

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Proposed words inserted.

Amendment, as amended, agreed to.

LORD SALTOUN, who had an Amendment on the Paper to insert at page 3, line 12, after the word "holding" the words "to the same effect, and with the like enduring benefit to the land as if such produce had been consumed on the holding," said he would like to point out that in consequence of the previous Amendment having been moved and carried, both Lord Camperdown's and his own Amendment seemed to have been cut out for the moment, and he supposed it was not possible for them to go back upon a part of the clause that had been passed. He should, however, hold himself at liberty to move the Amendment on the Report stage.

THE CHAIRMAN OF COMMITTEES said that the noble Lord would see that whichever of the Amendments coming after the same word was taken first the other one would not have read, and therefore he was bound to put the first which stood on the Paper. He was afraid the noble Lord could not now move his Amendment, but he would have an opportunity at another stage of the Bill.

LORD SALTOUN said that his Amendment was not in any way the same as that of the Earl of Camperdown.

EARL CARRINGTON: I beg to move, in page 3, line 15, after "shall," to insert "without prejudice to any other remedy that may be open to him." This is a drafting Amendment, but an important one. The words are necessary to make it clear that if a tenant exercises the right given to him in such a manner as to injure the holding the landlord is at liberty to protect his interest, not merely by the powers expressly given him by sub-section (2), but also by the enforcement of any remedy open to him. It is not intended to deprive the landlord of any means of protecting himself in case of a tenant exercising his rights in an injurious manner, and the clause would, therefore, read thus—

"The landlord shall, without prejudice to any other remedy which may be open to him, be entitled to recover damages,"

and so on.

Amendment moved—

"In page 3, line 15, after 'shall,' to insert 'without prejudice to any other remedy that may be open to him.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

LORD BYRON said the Amendment he was about to introduce was one of rather a restricted character than otherwise. Properly speaking, it should have come a little later on; it should refer to the injunction rather than to the recovery of damages. The Society of Land Agents, who had sent him a Memorandum (which

no doubt they had sent to many other noble Lords), had inserted it where he himself had inserted it—after the word “entitled,” and before “to recover damages.” If the Amendment was to refer to the injunction then the clause would read as follows—“The landlord shall be entitled at any time to recover damages,” and so on. It was not very clear from this clause exactly when the landlord was to recover damages. The word “arbitration” occurred at the end of the clause, which looked as if it were to be at the end of the lease, but of course it was quite useless to proceed with an injunction at the end of a lease. He thought the slight security which would be given to landlords was not very much to ask, in consideration of the great benefits the tenants received under this Bill. The Society of Land Agents, who had recommended this provision, he need hardly say, were quite unprejudiced; they were neither for one side nor the other. After the able description by Lord Balfour of the manner in which land could be deteriorated by bad cropping, or by injudicious rotation, he thought that this Amendment merely carried out what was desired in regard to all agricultural holdings. He begged, therefore, to move the Amendment.

THE CHAIRMAN OF COMMITTEES said the noble Lord could move his Amendment at any place he liked, but he did not know whether he wished to put it in after the word “required,” or after the word “entitled.”

LORD BYRON said that if he might be allowed to amend his own Amendment he would put it in before the words “to obtain,” and it would then read “the landlord shall be entitled to recover damages in respect of such injury or deterioration or, as the case may require, at any time to obtain an injunction restraining the exercise of the rights under this section,” and so forth.

THE CHAIRMAN OF COMMITTEES said that in that case, of course the Amendment of Lord Hylton would come first, and Lord Byron would move his Amendment afterwards.

Lord Byron.

LORD HYLTON, in moving to omit the words “or as the case may require,” and to insert “should the case so require,” said he thought if the noble Earl would look at the subsection he would agree with him that the question of damages for injury done was a different matter altogether from obtaining an injunction for injuries likely to be sustained in the future. He hoped, therefore, the noble Earl would agree with the slight alteration which he proposed, so that not only might damages be obtained for any injury proved to have been done in the past, but at the same time an injunction might be applied for in order to prevent a continuance of such damage.

Amendment moved—

“In page 3, line 17, to leave out the words ‘or as the case may require,’ and insert the words ‘should the case so require.’”—(*Lord Hylton.*)

EARL CARRINGTON: I do not think there is any difference in point of principle between the noble Earl and myself. It is merely a matter as to which wording is the best. Damages are obtained for an injury already done, while an injunction is, of course, for the purpose of preventing future damage. Proceedings can be instituted for injunction in one action, and proceedings for recovery of damages in another. One remedy refers to the past and the other to the future. Damages cannot be obtained for a wrongful act not already committed, nor can an injunction be sought to prevent what has already been done. As I said before, there is no difference between us in point of principle and I hope the noble Lord will accept our assurance that the words, as they stand, are technically correct.

THE EARL OF CAMPERDOWN said that the only difference was one of English, and in his opinion Lord Hilton’s words were much better. “Should the case require” meant, of course, “if the case should require,” and it seemed to him that that was better English than the phrase used in the clause as it stood.

EARL CARRINGTON: I do not press the point at all. If the noble Lord

wishes the words altered in that way there is no difference in principle whatever, and I will certainly accept the Amendment.

***VISCOUNT ST. ALDWYN** thought it would be well if the noble Lord would pay a little attention to the drafting of the clause before the Bill came up for Report. It was possible either to obtain an injunction to restrain injury or to obtain damages after injury, and he thought if he allowed the clause to go in as it stood, the words "to obtain an injunction" being between the words relating to damages were in the wrong place.

EARL CARRINGTON: I will make a note of that.

On Question, Amendment agreed to.

***LORD BALFOUR OF BURLEIGH**, who had an Amendment on the Paper to insert after the word "manures," the words, "corn, cake, or feeding stuffs," said the object of the words was to make sure that compensation was not paid twice over for the same thing. The noble Lord's intention was perfectly fair, because he put in "manures," but it had been suggested to him that it would be better if the words were exactly the same as in the Agricultural Holdings Act. The noble Viscount had an Amendment a line or two lower on the Paper, and he thought it covered the same point. If the noble Earl preferred those words he was quite willing not to move his Amendment, and to make way for the noble Viscount.

EARL CARRINGTON: If the noble Lord is willing to agree to that I will accept Lord St. Aldwyn's Amendment.

***LORD BALFOUR OF BURLEIGH**: I do not move my Amendment.

Drafting Amendments agreed to.

***VISCOUNT ST. ALDWYN** moved an Amendment to make additional provision for the protection of the holding from injury or deterioration in respect of the use of manures.

Amendment moved—

"In page 3, line 27, after the word 'used' to insert the words 'or in respect of other provision made for the purpose of complying with this section.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

***LORD BALFOUR OF BURLEIGH**, in moving a new sub-section, to the effect that in the application of the clause to Scotland the expression "arable land" should not include land in grass which, by the terms of any contract of tenancy was to be retained in the same condition throughout the tenancy, said the Amendment was one which had a peculiar application to Scotland, and was absolutely necessary for that part of the kingdom. "Arable land" in Clause 3 was clearly used in contradistinction to permanent pasture. Permanent pasture in England was safeguarded under this clause. In Scotland the system was different. A great deal of the grass land, which was laid down for many years in grass, was taken at times in rotation with the arable land. It was one of the things imposed upon Scottish landowners—he would not say wrongly imposed—that when pasture was laid down the tenant should be compensated for it. That was settled law, and was on the whole quite fair. But if the landowner had paid compensation for pasture land to one tenant, he ought to be protected against another man ploughing it up and then laying it down again at the end of his lease making his landlord pay for it again. The matter seemed to him a very simple one, and one of elementary justice, and he hoped the noble Earl in charge of the Bill would accept the Amendment.

Amendment moved—

"In page 3, line 27, after 'used,' to insert the words '(5) In the application of this section to Scotland the expression 'arable land' shall not include land in grass, which by the terms of any contract of tenancy, is to be retained in the same condition throughout the tenancy.'"
—(*Lord Balfour of Burleigh.*)

THE EARL OF CAMPERDOWN hoped that it would not be supposed because he supported this Amendment that he was an Irishman, although from the terms

it might fairly be supposed it had been drawn by an Irishman. The Amendment said "The expression 'arable land' shall not include land in grass." It sounded curious, but he assured their Lordships that in Scotland this Amendment would have a very practical application, and he hoped the noble Earl (who, he knew, had Scottish connections) would so far sympathise with Scottish landowners as to accept it.

EARL CARRINGTON: I am perfectly ready to accept the noble Lord's Amendment, on the condition that it shall apply not only to Scotland, but also to Great Britain. This we could do if the Committee would permit, by the omission of the words "in the application of this section to Scotland." The sub-section would then read—

"In this section the expression 'arable land' shall not include land in grass,"

and so on.

*LORD BALFOUR OF BURLEIGH said he was quite willing to accept that.

On Question, Amendment, as amended, agreed to.

THE EARL OF WEMYSS, in moving the insertion of a new sub-section to ensure the keeping of a record of the course of cropping, said he had already explained to their Lordships that the Amendments standing in his name were Amendments proposed by a committee of landowners and land agents. That committee thought it necessary for the protection of the holding, that a provision such as this should be inserted. He would not trouble their Lordships with any speech in support of it, but he believed it would be a very useful provision, and he also believed that it would have a most valuable educational effect upon the farmer, because it would make him very anxious about the proper keeping of his books. Those books would have to be open to the inspection of the agents, and would have to be very well kept, and he thought that would have considerable educational value.

The Earl of Camperdown.

Amendment moved—

"In page 3, line 27, after the word 'used' to insert the following new sub-section:—(4) To ensure the protection of the holding, the tenant shall keep a record of the course of cropping in every year, and shall furnish a copy of such record to the landlord or his agent duly authorised in that behalf yearly at Michaelmas. On any change of tenancy the outgoing tenant shall furnish to the landlord, or his agent authorised as aforesaid, such vouchers, books and documents as may be necessary to prove what manures and feeding stuffs have been brought, and used upon the holding during the previous five years, and also what home-grown produce has been consumed thereon during that period."—(*The Earl of Wemyss.*)

EARL CARRINGTON: I am glad to be able to meet the noble Earl because there is nothing to prevent a landlord insisting on these requirements, if he considers them necessary or essential for his protection. These are matters which should be subject to agreement between the parties rather than a statutory obligation, and I think we are all of the same mind. I am happy to be able to meet the noble Lord, and to assure him that what he wishes is in the Bill already.

THE EARL OF LONSDALE: Where?

THE DUKE OF NORTHUMBERLAND thought the Committee ought to have some assurance as to what part of the Bill the provision was in.

EARL CARRINGTON: I hope the Committee will accept my assurance that it is in the Bill. I can absolutely pledge myself as to that.

THE DUKE OF NORTHUMBERLAND said that there would be no harm in putting it twice in the Bill, and afterwards on the Report Stage striking it out in one place if it appeared that it had been inserted twice over.

EARL CARRINGTON: I agree to that.

On Question, Amendment agreed to.

Drafting Amendment agreed to.

Amendment moved—

"To leave out sub-section (4)."

On Question, Amendment agreed to.

LORD CLINTON said he would like to call the attention of the Committee to the result of the division on the Duke of Richmond's Amendment. He knew it was the intention of the noble Duke, as well as the intention of himself and others who had followed him into the lobby, that the Amendment in question should apply to long leases—nineteen-year leases. But the actual result appeared to be that it would apply to leases of any duration. Consequently it was in the power of any landowner who gave notice to his tenants to accept a four years lease, to contract himself entirely out of the provision. No doubt the result would be exceedingly good as far as the landowners were concerned, but it was not the intention of many who voted for the provision, their intention being that it should apply to nineteen years leases. He believed he would not be in order in moving an Amendment now, but he wished to draw attention to it, and if necessary he should move again when the matter came up on Report.

On Question, Clause 3, as amended, agreed to.

Clause 4:—

THE CHAIRMAN OF COMMITTEES said that there was an Amendment down by Lord Egerton to strike out the whole of the clause down to line 9, on page 4, but if that were done it would exclude a number of Amendments which came after it. Under those circumstances, perhaps, the noble Lord would not move the Amendment.

THE MARQUESS OF SALISBURY suggested that the first words of the clause should be put to the Committee.

*EARL EGERTON moved to leave out the whole of the clause except the provision relating to arbitration. He said the reason of his proposing the Amendment was in order to carry out several suggestions made by the noble Lord in charge of the Bill. He had only to say that there was no intention on his part to create dual ownership such as existed in Ireland, but he thought it was

the opinion of many agriculturists, both landlords and tenants, that it was very undesirable that in this Bill there should be any clause which would appear to be the thin end of the wedge for the purpose of introducing dual ownership into the tenure of land in this country. The clause was almost, if not entirely, identical with that which appeared in the Town Tenants (Ireland) Bill; and he thought it was a bad precedent that they should, word for word, introduce into an English Land Act a clause which was thought necessary to be introduced into an Irish Tenants Land Bill. It appeared to him the clause should either be amended so as to meet the object that the noble Lord in charge of the Bill had in view, or else that it should be expunged from the Bill altogether. He had endeavoured to meet the noble Lord's view by the Amendment which he proposed. They were Amendments which limited the occasions where compensation for disturbance should be given. There were cases in which good landlords would recognise the justice of giving compensation to tenants, but that only applied where the tenant himself had done something for which he had received no compensation from the landlord, and where, if the landlord was a bad landlord, he had perhaps given the tenant notice to quit. The next case was where there was an impecunious landlord, and where the tenant, after asking the landlord to do certain repairs and improvements, and giving him due notice, had not induced him to carry out those repairs and improvements which he thought necessary for the good cultivation of the farm, and had, therefore, done them himself. In that case he thought it would be only fair that the tenant should receive some compensation. But he would limit this compensation for disturbance to those two distinct objects, and he was supported in that view by the recommendation of the Royal Commission which sat in 1897. Their Report stated that they had received ample evidence as to compensation for disturbance, and were of opinion that they could give "no countenance to the demand that a quitting tenant who has received the compensation due to him for his unexhausted improvements should be enabled to maintain a

claim for compensation for disturbance." He agreed with the opinion of the Land Agents' Society that if this clause were to pass as it stood, it would only create a great deal of litigation and bad feeling between landlord and tenant. The object of their lordships, he was sure, must be to prevent any undue litigation, and any undue expense on the part of the tenants. The noble Lord in charge of the Bill had said that he only wished to go so far as to protect good tenants from a possible, but very rare, bad landlord. He was not at liberty now to go into the clause itself, but if it was carried at all in its present shape it ought to be very much limited, because in many cases a tenant, who might be a butcher, or following some other trade, might get a quantity of stock on his farm, whether for sale or whether for milk selling, or for any other purpose, in far greater quantity than the size of his holding would justify the provision by the landlord of accommodation for those animals. It was quite clear, therefore, that it would be very unfair that if such a man left he should be compensated for the whole of the stock which had accumulated on his farm in connection with his trade, whether as a farmer, or a butcher, or otherwise. It was quite clear, therefore, that the noble Lord, if the clause were to stand as it was, would have to see that some provision was made for cases such as that. He thought himself that if the noble Lord could only consider the Amendment which he had placed upon the Paper, he would see that it met all the reasonable requirements of good tenants who had suffered, or might suffer, from bad landlords, and it would be quite clear that there was no general law or no general right for compensation for disturbance unless the tenant had a fair claim for compensation from his landlord for what he had done, either in improving his farm, or in cases where the landlord had refused to carry out improvements. He trusted that their Lordships would say that his contentions were not unreasonable, and that the matter would be very carefully considered before their Lordships consented to an entirely new principle, and one which was not accepted by the great majority of either landlords or tenants in the country.

Earl Egerton.

Amendment moved—

"In page 3, to leave out from line 35 to end of line 8 on page 4, and insert the words 'A tenant, except as is hereinafter provided, shall not be entitled to compensation for disturbance, after receiving notice from the landlord, upon quitting the holding in addition to the compensation, if any, to which he may be entitled in respect of improvements. Provided that—(a) Where the landlord has demanded an increase of rent, and that such increase of rent was demanded by reason of an increase in the value of the holding due to improvements executed by the tenant, and from which he has not either directly or indirectly received an equivalent from the landlord, and in consequence of that demand has given notice to quit; (b) Where the tenant has executed repairs or improvements in the farm or buildings which are by custom or covenanted by agreement to be carried out by the landlord for the proper cultivation or working of the holding, and which the landlord has failed to execute within a reasonable time after receiving due notice: the tenant shall be entitled to compensation for the loss he sustains or expense which he has incurred in consequence of any such outlay on his farm or buildings, and for which he has not received any adequate return or compensation by the landlord.'"

(Earl Egerton.)

LORD CLONBROCK said he perfectly understood the jealousy with which the noble Earl was prepared to scrutinise any provision relating to compensation for disturbance, and he thought he and all noble Lords in this country would do well to take it to heart. When the Land Act of Ireland of 1870 was passed, and that provision for compensation for disturbance was first introduced, they were assured that that conveyed no property to the tenant. Some years afterwards they were told that, whether Parliament intended it or not, it did convey a property in the holding to the tenant, and it was found necessary to secure that property to the tenant by fixity of tenure and free sale; and the end had been the introduction of dual ownership, which he thought every noble Lord must be most anxious to guard against in the case of England.

EARL CARRINGTON: I most sincerely hope the noble Earl will not persevere in this Amendment, because, practically speaking, if this proposal was carried, there would hardly be any compensation for disturbance at all, and I hope that the Committee will pardon me for a moment if I say that, all the way through from the very beginning, from

the moment the Government undertook the charge of this Bill, I have honestly and sincerely tried in every possible way consistent with the great principles of the Bill in which I most thoroughly believe, to meet any objections—and there have been many reasonable objections—that have been made by the Party opposite. I confess I am very grateful for the way in which my humble efforts have been met, and I am grateful to Mr. Walter Long, when he advised his Party in the House of Commons not to divide against the Third Reading, for the words he was good enough to use as to the manner in which the Opposition had been met. I am speaking under correction, but I think I can honestly say that there is no serious official objection to the Bill. At one time there was, I honestly confess, a good deal of objection, official and unofficial, to the Bill. I saw at once that there were two clauses which your Lordships would not pass—there was the shooting clause, for instance, and also the fruit-cropping clause. I gave way on both of those heads; I induced my friends in the House of Commons to give way, not without some difficulty as regards the shooting clause, because the Members representing the Eastern Counties of England were very positive that that was a necessary clause. Then came Clause 7, when we gave up the permanent pasture, and we gave up the planting of orchards, which I acknowledge was very difficult to defend, as a cranky-headed tenant might take advantage of those conditions to run the landlord into considerable expense. I gave way over that; then the pound of flesh was insisted on, and then came the question of strawberries and asparagus (Laughter.) I really am glad to hear the noble Lords opposite laugh over this, because it did seem straining it a little too much. After all, strawberries were only a two-years crop, and it seemed a little bit hard to prevent the farmers supplementing their income by growing strawberries. However, I gave way on that, and that strained the loyalty of the Radical Party to the utmost. It was more than my friends and supporters would stand. I had the great privilege of sitting in the other House of Parliament, like Mahomet's coffin in the place re-

served for your Lordships in that House, and I saw 150 of my very best and staunchest friends trooping into the opposite lobby, and making 300 votes on a division when the Government majority fell to the very dangerous and lilliputian number of seventy. That was a very strong indication of the feeling which resulted from my having to give way. But I understand now that the Leaders of the Opposition take no serious official objection to the principle of the Bill as it stands, and I am the more encouraged in that impression, because it was not long ago that the Somersetshire farmers met in conclave, and a certain gentleman, a very strong Conservative, and a great supporter of Sir Arthur Acland-Hood, whom he took somewhat severely to task, and told him that he considered he ought to have supported the Bill as it stood. Sir Arthur Acland-Hood gave him permission to say that he and Mr. Walter Long—and I believe this is correct—had been two of the great factors in getting the Bill through the House, and that the House of Lords would pass it. One is always told not to prophesy unless one knows, but I suppose that the Chief Conservative Whip has an amount of knowledge which other people do not possess; and he spoke, I suppose, from knowledge of what was going to take place. After discussion, the meeting approved of the provisions of the Bill except one small clause about which I need not detain your Lordships. Then I am still further encouraged, because the Ripon farmers met two or three days ago, and gave general approval to the Bill. Lord Helmsley, who has deservedly made a great name for himself in the House of Commons, was one of the principal antagonists, and a very doughty one, of the Bill, and I am glad to say that the noble Lord stated that his opinion about the Bill was that it would not do any great good, but it certainly would not do any great harm. From my point of view that is extremely satisfactory so far as it goes. Lord Helmsley went a little further, and said that the compensation for disturbance clause—which has been somewhat roughly treated, I must admit, by the noble Earl on the other side of the House—has been so

amended that in the opinion of legal experts there is no trace of dual ownership in it. I think under those conditions I can ask the noble Lord opposite not to press his Amendment. The dual ownership bogey has been disposed of by Lord Helmsley himself and, besides, I may once more say to the noble Earl that this Bill is in no way designed to meet such cases as exist on the noble Lord's estate. If this clause is carried, it scarcely gives any compensation at all. Naturally, I cannot accept his Amendment as it stands. I hope the Committee will not accept it either, because it rules out an enormous number of other Amendments which have been placed on the Paper by noble Lords. All I have to say is that the evil against which the clause as it stands is directed is of a much wider character. It would be inconsistent to limit the payment of compensation to the particular circumstances to which Lord Egerton referred in his statement, and I most respectfully and earnestly hope that the noble Lord will not persist in his Amendment, but will allow the clause as it stands to be debated and to stand or fall on its merits.

*VISCOUNT ST. ALDWYN said he did not imagine that their Lordships in considering the clause would be biased, as the noble Earl seemed to expect, either by the views of youthful, though able, Members of the other House, or by any opinion which might be inadvertently expressed by even older Members of the other House as to the action which their Lordships might take with reference to this Bill. What their Lordships had to consider—and it was a very serious matter—was whether there was such mischief in this clause as to cause it to merit the observations of the noble Lords who had already addressed the Committee, and whether, if it were passed, it would really do any serious harm to landlords in its present form. Perhaps no one would have criticised this clause more strongly than himself had it come to their Lordships' House in its original shape. In that shape it was distinctly a compensation for disturbance clause—a clause calculated, and he believed intended, to introduce

into England the principle of the Irish law as to compensation for disturbance, and to apply that principle to tenancies of a very different nature from those to which it was originally applied in Ireland. But in its passage through the House of Commons the clause had been very considerably modified, and he doubted whether any clause in any Bill had ever been subjected to greater modifications in its passage through the Lower House. As the clause now stood, it was not, to his mind, a compensation for disturbance clause in the sense attributed to it by the noble Lord, Lord Pembroke. He did not see how any germ of dual ownership could possibly be found in this clause, because all it did in its present form was to provide that if a landlord, without good and sufficient cause, and for reasons inconsistent with good estate management, gave his tenant notice to quit, then compensation should be given to the tenant, limited to the loss which the tenant incurred in the sale or removal of his goods or stock. The question whether the provisions of the clause were sufficiently definite to limit it as it should fairly be limited, was one which their Lordships could consider in dealing with the clause at a later stage; but assuming that those points were satisfactorily settled, and that proceedings under the clause were entrusted to a proper tribunal, which he thought, from an Amendment which the noble Lord the President of the Board of Agriculture had himself placed on the Paper, their Lordships would be able to arrange, he did not see that the operation of the clause would do injustice to any landlord. His noble friend Lord Egerton had proposed a clause giving compensation for disturbance. He (Viscount St. Aldwyn) did not like those words, and did not think they ought to be in the clause at all, but those were the noble Lord's words. He proposed to give compensation for disturbance in two cases only—where a landlord had demanded an increase of rent owing to the tenant's improvements, and where the tenant had executed repairs which the landlord had contracted to do, and had not done, but which were essential for the cultivation of the farm. If, under those circumstances, a tenant received notice to quit,

Earl Carrington.

then, according to his noble friend, he ought to be entitled to compensation for disturbance. His noble friend limited the compensation to the tenant to the loss he sustained or the expense he incurred in consequence of any such outlay, and did not extend it to any loss sustained, or expense incurred, by reason of removal. That was a different proposal altogether. He could not feel that those two cases included all the cases in which a tenant would fairly be entitled to some kind of compensation for his loss from removal, if he received notice to quit without good and sufficient cause, and for reasons inconsistent with good estate management. It had been said by the noble Earl the President of the Board of Agriculture that there were very few bad landlords. That was quite true. It had also been said that there were some bad tenants, and that likewise was true. But there were cases, he was afraid it must be admitted, where landlords had capriciously given notice to the tenant to the loss of the tenant, and those cases would not be covered by the words of his noble friend Lord Egerton. Their Lordships, he knew, were disinterested in the matter. He did not believe that a single Member of their Lordships' House would come under the operation of that clause, and he believed that very few landlords in England would come under its operation. The clause might act, and he hoped would act, as a deterrent to bad landlords' (if there were any such) giving their tenants notice to quit without good and sufficient cause, and for reasons inconsistent with good estate management. He did not believe there was any mischief in this clause as it stood, but was there nothing in it which, by meeting a grievance, might prevent much more mischievous legislation? He knew that there were many persons in the country who desired to see established some kind of dual ownership between landlord and tenant, and he, for one, did not want any excuse given to such persons to try and establish such a relationship. They had it from His Majesty's Ministers that this Bill contained all that they desired in the way of altering the relations between landlord and tenant. If that were so he

would humbly advise their Lordships to leave the matter as it stood in this Bill.

THE DUKE OF NORTHUMBERLAND hardly know whether they were quite in order in their proceedings. They had had an eloquent speech from the noble Lord the President of the Board of Agriculture upon the merits of the Bill at large, and the clause in particular, which he should have thought would have come more appropriately upon the question whether the clause should stand part of the Bill. He did not propose to follow the example of the noble Lord, but he would venture to intrude a few remarks upon their Lordships in what he thought the more proper place, namely, when the question was put whether the clause should stand part of the Bill. He only rose now to call attention to what had been said by the Viscount St. Aldwyn, and he thought too early attention could not be called to it. The noble Lord had said, in answer to Lord Clonbrock, that there was no question of 'dual ownership raised by this clause.' He was rather struck, however, by what the noble Lord had quoted of the clause. He had quoted it only down to a certain point, "where a landlord without good and sufficient cause or for reasons inconsistent with good estate management terminates an agreement," and there he had stopped. But there were other words in the clause, "or refuses to grant a renewal of the tenancy." That was an entirely new principle introduced into the legislation of this country and it seemed to him to be very much in the nature of the thin end of the wedge of dual ownership. What possible logical justification there could be for demanding that a man should receive compensation for the want of renewal of an agreement which had reached the limit agreed to by himself when he entered upon it, he could not conceive. He did not want to elaborate the point at that stage, but when a statement was made that there was nothing in this clause which related or referred to dual ownership, he could not help thinking that the earliest opportunity ought to be taken to point out one very serious sentence

included in the clause, which many noble Lords seemed entirely to forget, and which changed, as it seemed to him, the whole system of legislation, and initiated a new idea which might have very serious consequences.

THE MARQUESS OF SALISBURY said he did not understand that the noble Duke who had just spoken recommended their Lordships to accept the Amendment which had been submitted to them.

THE DUKE OF NORTHUMBERLAND: Certainly not.

THE MARQUESS OF SALISBURY said that although he spoke with the greatest diffidence on a subject of this kind—because he was in no sense an authority on agricultural subjects—yet he shared with the noble Duke, and with his noble friend Lord St. Aldwyn, the view that their Lordships ought not to accept this Amendment. But in taking that view he did not do so altogether for the reasons which had been advanced. He thought it was right that they should look facts in the face, and in his opinion this clause was a serious new departure in the legislation of this country. He felt that on subjects of this kind their Lordships could not be too cautious in what they did. Many of them were great authorities on agricultural questions, but at the same time—he said this with great respect to their Lordships—they were personally and pecuniarily interested in the question; and although he for one could never imagine for a moment that they could be swayed by considerations of that kind, yet there were others who did not take that view, and that consideration was, he thought, sufficient to justify him in saying to their Lordships that he hoped they would not seriously mutilate this clause in Committee. Let them consider the clause for a moment. No one admired more than he did the skill and persistence with which those with whom he was associated were successful in the House of Commons in forcing upon a Government numerically far stronger than themselves the amendments which this clause had undergone. The noble Lord in charge of the Bill had given a

pathetic account of the difficulties which the Government themselves had had to face in dealing with their Radical supporters. Undoubtedly in the House of Commons the Radical tail of the Government was the most important section there, and it was extraordinarily to the credit of the Opposition that they were able, notwithstanding the power of that Radical tail, to change the clause so much as they had succeeded in changing it. The clause was very vague, but notwithstanding its vagueness it did interfere, to put it in that modest way, with the control of the landlord over his property, and in so doing it diminished the landlord's property, and, he supposed, transferred it to someone else. That was a very serious matter. He had said that the clause was very vague; it all depended on the interpretation of those words "good and sufficient cause" and "reason inconsistent with good estate management." He did not know exactly what those words meant, but they would be interpreted by the arbitrator or whatever authority their Lordships ultimately put into the Bill. The noble Lord proposed to strike out these words and put the clause in the inverse way, and to say the compensation should only accrue for definite and not for indefinite reasons. If he had thought their Lordships' House was quite free in this matter he should have been inclined to support the Amendment, if his noble friend put the clause as it stood, because what "good estate management" might precisely mean depended upon the individual opinion of the arbitrator. He did not look at this matter from the selfish point of view of a landlord or the landlord class. The class in which he was interested was the labouring class which lived on landlords' estates throughout the country. The preamble of the Bill was going out, he did not quite know why, except that he presumed it was no longer pertinent to the Bill. But he would like to ask the noble Earl how it ever got into the Bill. In the preamble there was a reference to the interests of the rural labouring classes and the community generally, and it was because he thought that this clause would interfere with the interests of the rural labouring class that he regretted that the noble Earl and the

The Duke of Northumberland.

Government were not able to accept the Amendment. It appeared to him that it was in the best interests of their Lordships' House that the interests of the rural labouring class living on the estates of the landlords of England should be safeguarded. He had had a certain amount of experience on this matter. But let him say he was not going into the subject in detail, first because he did not desire to go into the matter at any length, and secondly because it would hardly be germane to the Bill. ["H ar, Lear."] He was much obliged for the applause of the junior members of the Government, but still he submitted that the terms of this clause interfered with the landlord's power of doing justice to the labourers who lived on his estate. It was a matter deserving of the consideration of their Lordships, and especially of those noble Lords whose political creeds were full of professions that they were always interested in studying the condition of the labouring classes. Was it not true to say that such a clause as this would seriously hamper small holdings? He would not go into the matter in detail, but whether the land could be readily made available for small holdings would depend on the view taken by the valuer of "good estate management." If the arbitrator said these small holdings were foolish; that they would not pay; that to destroy a good farm in a particular part of the country in order to establish small holdings could only lead to pecuniary loss; and that it would certainly not be in the interests of good estate management; the landlords might take a different view, but they must remember the answer to that question depended on the view taken by the arbitrator. It did not depend upon legal evidence but upon what, in the opinion of the arbitrator, was good estate management. He did not attribute much importance to the words "good and sufficient cause," because good and sufficient cause was also a matter of opinion. He would give one further illustration with regard to the cottagers who lived on the estates of the landlords of England. It had been said in this debate that most landlords were good and that most tenants were good. He cordially re-echoed that state-

ment. He believed it was perfectly true. It was his experience at any rate. But it was also correspondingly true that a few landlords were not good, and that a few tenants were not good. He would take the case of a tenant who did not treat the cottagers living on his holding properly. To whom did the cottagers look to assist them in such a contingency? He would give their Lordships one example, and he gave it because he knew it to be a fact. A certain poor man established on a farm on the borders of a village a small wheelwright's shop. He was sub-tenant of the farmer. The farmer turned out a horse into a field near this cottage. The horse was in very bad condition and evidently in great suffering. Eventually the farmer was summoned by the Society for the Prevention of Cruelty to Animals. The sub-tenant was summoned as a witness against the farmer at the police court, and as he was bound to do, gave evidence, so far as he (the Marquess of Salisbury) knew, in accordance with the truth. It was adverse to the farmer, and immediately after the case was decided the farmer gave his sub-tenant notice to quit. The sub-tenant appealed to the landlord and the landlord was able, by the power he possessed under the present law, to say he would not allow the sub-tenant to be evicted. He was able to do that by the power of the sanction behind the present law, but whether he would be able to do that after this Bill was passed was very doubtful. What was the power of the sanction behind the present law? Clearly it was the fact that the landlord had power to say "If you turn this poor man out and will not do justice to him I shall have to turn you out of your holding." It appeared to him to be a very strong measure to injure the power of the landlord under these circumstances. It would certainly appear to be very doubtful whether the landlord would be justified in that proceeding in the opinion of the arbitrator, because he would say "What is good estate management? Is it good estate management to evict a large farmer because a small cottager has been evicted from his cottage in one corner of the farm?" It was quite possible the arbitrator would say "we have nothing to do with the sub-tenant. Good estate management would dictate to the

landlord not to take action of this kind," and in that way the power of the landlord on his estate would be very seriously infringed. He did not wish to put it too high, but at this time of day, when the landlords were most anxious to defend the labouring classes on their land, it was a great pity that such a clause should be passed into law. Would the Government consider the possibility of introducing words which would at any rate safeguard a case of the kind to which he had drawn attention? Would they put into the preamble such words as would protect the labourers from the possibility of injustice by restoring to the landlords their power in this matter? He did not say that even that would entirely reconcile him to the clause. But it would go some way, in his humble judgment, to diminish the evils from which these people in whom they were interested and who lived upon their land, might suffer.

Amendment by leave withdrawn.

LORD RIBBLESDALE said he would promise, at all events, not to range over the rather sombre landscape of country life that the noble Lord who had just sat down had shown them. He moved the omission of the words "and for reasons inconsistent with good estate management," because he thought they were either meaningless or inconvenient. If they were meaningless then they were mere surplusage, and their omission would do no harm. If they were inconvenient as, if he were put to it, he was prepared to prove, they were better out of the Bill. The main ground upon which he thought they were inconvenient was this. It was a mere truism to say that the way in which the meaning of an Act of Parliament was expressed should be in the bluntest possible English capable of being understood even by the village idiots. Most of their Lordships were acquainted with business as it was done in the Committee rooms upstairs. The clauses of a Bill which came before a Committee upstairs were not subjected to the cross-currents or under-currents of politics. They were invariably considered from the point of view of £ s. d., and in the Committee the eminent counsel engaged were the first

people to help the Committee to strike out those phrases of an ornamental character which were put in to give dignity and stateliness to the clause; but which, if not meaningless, were inconvenient. He did not know whether these words in the clause were an alternative to a "good and sufficient cause," whether it was another *prima facie* ground on which the tenant might claim, or whether they were coupled by the word "and" and were therefore a reinforcement of "good and sufficient cause." However that might be, he believed they invited the tenant to consider whether his landlord was capable of "good estate management." He was sure the noble Lord never intended that the tenant was to become the judge of whether his landlord was managing his estate in a proper manner. It might be said that no tenant would be such a fool as to take up a case of this kind, but their Lordships knew that both landlord and tenant were very often, if not fools, very pig-headed where land was concerned. That being so he hoped that both landlord and tenant would be robbed, by the omission of these words, of the mischievous source of a very possible inconvenience. The whole thing in his opinion was covered by the words "good and sufficient cause." He should be prepared, except that personal experience was very tiresome, to show in his own person, and in the case of some one else, where words such as these might cause great inconvenience.

Amendment moved--

"In page 3, line 36, to leave out the words 'and for reasons inconsistent with good estate management.'"—(Lord Ribblesdale.)

THE EARL OF PORTSMOUTH said he quite agreed with his noble friend that the words put into this clause were open to a good many objections, therefore he would like to state to their Lordships what was the effect of the words which it was now proposed to strike out. They were arrived at after a considerable amount of care, and the Government were informed by their technical advisers that the words "good estate management" were to enable any landlord to act in relation to his property in the manner in which a prudent trustee would act. That was to say, he was to be absolutely free to take a farm back into his own hands

where he wanted to subdivide it for any purpose, or where he considered the farm to have been badly managed, or where he could get, whether by division or from another tenant, a better rent to be paid by a solvent tenant. The reason why these words had been put in was to protect the landlord and to ensure that he should not be liable for any claim for compensation if he administered the estate well and as a good man of business. The whole intention of this clause was only to operate in cases which, though they might not be numerous, might occur among many people—in what he might call cases of capricious disturbance. Lord Ribblesdale had asked why the words “without good and sufficient cause” would not be sufficient in themselves and why it was necessary to insert the words he proposed now to omit? The point was this. It had been assumed that a landlord might wish to take possession of a farm, presumably a farm which had been occupied by a tenant and his family for a great number of years, to put perhaps his son, who might have a fancy for farming, into it, or for some other purely family reasons. Under circumstances of that kind, which would hardly come under what might be called “good estate management”—because possibly the transference of a farm from a good tenant to the son of the house would not be “good estate management”—it did not seem to the Government it was either inequitable or unfair that the tenant should receive compensation limited and restricted as it was in this clause. Those were the reasons the Government were unable to strike out those words.

On Question, Amendment negatived.

VISCOUNT ST. ALDWYN moved to insert after the word “terminates” the words “by notice to quit.” He said that this was a drafting Amendment to make the matter clear, to which he supposed there would be no objection. The tenancy terminated when the notice to quit had expired. His intention in moving the Amendment was that there should be a period of time during which the tenant might consider whether he would be entitled to claim for compensation under this clause, and if the claim was

made the landlord might have an opportunity of considering whether he would withdraw his notice to quit.

Amendment moved—

“In page 3, line 37, after the word ‘terminates’ to insert the words ‘by notice to quit.’”
—(*Viscount St. Aldwyn.*)

*LORD BALFOUR OF BURLEIGH said he would like to ask, in order to raise the question of rights, whether in the case of a lease it was necessary to give notice. If his noble friend’s Amendment were put in, the clause would read—

“Where the landlord, without good and sufficient cause, and for reasons inconsistent with good estate management, terminates by notice to quit or refuses to grant a renewal of the tenancy.”

EARL CARRINGTON: I quite see the necessity for the Amendment and accept it.

On Question, Amendment agreed to.

EARL CARRINGTON: I propose my next Amendment in order to give effect to the suggestion that the landlord should know within a reasonable time whether or not the tenant desires a renewal of the tenancy. I think it is a fair and reasonable suggestion, and I hope the Committee will accept it. The clause will then read—

“Where the landlord without good and sufficient cause and for reasons inconsistent with good estate management terminates or after having been requested in writing at least six months before the expiration of the tenancy to grant a renewal of the tenancy refuses to do so, or etc.”

Amendment moved—

“In page 3, line 37, after the first ‘or’ to insert the words ‘after having been requested in writing at least six months before the expiration of the tenancy to grant a renewal of the tenancy’, and leave out the words ‘grant a renewal of the tenancy’ and insert the words ‘do so.’”—(*Earl Carrington.*)

THE MARQUESS OF WINCHESTER said he apprehended that it was not supposed that the tenant was only to give six months notice that he did not intend to keep on his tenancy. That would be inconvenient, because although tenancies expire at Michaelmas it was usual for the incoming tenant to take over the

fallows in March. Under this Amendment all the tenant need do would be to give notice at Lady Day and quit at Michaelmas.

EARL CARRINGTON: I will look into that question, if the noble Lord will allow me, between this and Report.

A NOBLE LORD said it seemed to him in the case of a lease six months notice would be too short.

EARL CARRINGTON: There is no notice in a lease, it simply terminates.

A NOBLE LORD said there was a year's notice given as to whether the tenant was going to continue the lease or to quit.

THE MARQUESS OF WINCHESTER asked whether, in the case of a ten years agreement or a lease in which the tenant had a right of breaking it at any time by giving two years notice, that tenant was to have a right to break the agreement or lease with six months notice.

THE EARL OF CAMPERDOWN said it would seem that in the case of a yearly tenancy the tenant would be compelled once in every year to give notice that he wished to continue his tenancy. He apprehended that an annual tenancy ran on until a notice to quit was given on either side, and the introduction of an Amendment of this kind would compel him to give notice every year.

EARL CARRINGTON: I see there is a great deal of objection on several sides to this Amendment, and I promise to look into this matter between this and Report. I withdraw the Amendment now.

Amendment, by leave, withdrawn.

LORD HYLTON moved after the word "tenancy" to insert the words "to the sitting tenant." He put down those words in order to receive, as he trusted they would, an assurance from the Government that the words "renewal of the tenancy" meant to the sitting tenant. If they were

The Marquess of Winchester.

not informed upon that point by the Government, there was no doubt litigation would arise and the question would be asked whether, on the death of a tenant and the tenancy was refused to his son or his widow or his executors, the penalties of this clause were not to be inflicted against the landlord. He thought it was very important their Lordships should have an assurance from the Government on that point.

Amendment moved—

"In page 3, line 37, after the word 'tenancy' to insert the words 'to the sitting tenant.'"
—(*Lord Hylton.*)

EARL CARRINGTON: The word "renewal" can only mean to the sitting tenant.

VISCOUNT ST. ALDWYN said he had placed an Amendment on the Paper in order to raise the question of the expiry of a lease on the death of a tenant and the farm getting into the hands of the executor. It would be most unfair to the landlord in a case of that kind for him not to be able to give notice to the executor under this clause without a claim being made against him. He did not think that was the intention of the Government. Would the Government accept the words he had put down?

EARL CARRINGTON: I will accept them now and put them in later on the Report.

*LORD BALFOUR OF BURLEIGH said if the noble Lord would permit the Amendment to be put in the words of the noble Viscount it would be more convenient.

On question, Amendment negatived.

EARL CARRINGTON: This Amendment is a drafting Amendment which I ask the Committee to read with the two immediately following it. The clause will then read—

"Or it is proved that an increase of rent has been demanded from the tenant and that such increase was demanded by reason of an increase in the value of the holding due to improvements which have been executed by or at the cost of the tenant, and for which he has not, either directly or indirectly, received an equivalent from the landlord, &c."

Amendments moved—

"In page 3, line 38, to leave out the second 'is' and to insert the words 'has been.'"

"In line 39, to leave out the words 'as the result of' and insert the words 'and that such increase was demanded by reason of an increase in the value of the holding due to.'"

"In lines 39 and 40, to leave out the words 'effected at the cost of' such 'and insert the words 'executed by or at the cost of the.'"—(*Earl Carrington.*)

THE EARL OF CAMPERDOWN asked whether there was any difference in the meaning of the words "effected at the cost of" and "executed by or at the cost of." He only wanted to know why the noble Lord proposed to strike out the words "effected at the cost of" for the purpose of inserting "executed by or at the cost of."

EARL CARRINGTON: They are only drafting Amendments in order to make the clause more easy to understand.

*LORD BALFOUR OF BURLEIGH said he did not propose to move the Amendment of which he had given notice. It was down in the name of other noble Lords and if they chose to they might move it. He had come to the conclusion that it was impossible to apply this clause fairly to the circumstances of Scotland where long leases and tenancies were in effect. He, therefore, was not prepared to take the responsibility of making it apply to Scotland and to a system to which it could not be fairly applied.

VISCOUNT GALWAY said while he had the greatest possible desire to make the Bill a workable Bill he did not see how it could be done. Who was going to say what the value of the sale was, and what the value of the cattle was? The mere accident of a wet day or another sale being on the same day, the holding of a market or some other reason, might prejudice the sale very much, and cause a man to be £100 short of what he thought he ought to get at that sale. Why should the landlord have to suffer for that? It was not his fault if it was a wet day. There might be such a thing as a "knock out" sale. Who was to say what was the loss? Was the tenant after the sale was over? If a

tenant said his cattle were worth £15 a head and he got £12 a head, were they, because it was a wet day and the butchers did not attend the sale, to take the valuation from the tenant? It was impossible to put the loss on sale on the landlord. Then again there was the question of implements. It was quite true that at a sale very often the outgoing tenant sold very cheap, but then he went to other sales in the neighbourhood to which he had gone and bought very cheap. He did not see how the Bill was to be made workable or how the loss on sale was to be arrived at unless the valuation of the tenant was taken. Therefore, he suggested the striking out of the words "loss or" with a view to omitting the words "of the sale" later on.

Amendment moved—

"In page 4, line 5, to leave out the words 'loss or.'"—(*Viscount Galway.*)

*THE EARL OF YARBOROUGH, who had a similar Amendment on the Paper, supported what Lord Galway had said. It certainly seemed unreasonable that the landlord should be made responsible for the loss that a tenant sustained at sale. He thought the words should be taken out of the clause.

THE EARL OF PORTSMOUTH said that while he listened to Lord Galway he thought the noble Lord had failed to appreciate the effect of two Amendments the Government had lower down upon the Paper in which they proposed after the word "expense" to insert "directly attributable to his quitting the holding" and after the word "tenant" to add the words "may unavoidably incur." It was not the intention of this clause that there should be any selection or temptation on the part of the tenant under the circumstances to make a profit by having a bogus sale, and then claiming compensation for loss. The Government were informed that the insertion of these words "directly attributable to his quitting the holding" would limit the compensation to a reasonable amount as compensation for the expense which he might unavoidably incur. The arbitrator in

estimating a case of damage was not to allow a fancy value, or an excessive value for fancy reasons, and the tenant was not to be compensated if he had not taken care to see that his sale was under the best conditions.

THE MARQUESS OF LONDONDERRY admitted that the noble Lord had done his best to answer Lord Yarborough, but he did not think he had quite succeeded. The question of these sales was one that had created a considerable amount of apprehension in the minds of the landowners in the country for the reason that nobody had yet declared who was to be the arbitrator to decide the amount to be paid. Lord Galway with great truth had declared that it was quite possible that owing to various circumstances the result of a sale might from the tenant's point of view be of an adverse character; that financially it might be a sale which would be considered detrimental to the interest of the vendor. Then, again, there might be such a thing as a bogus sale in which a "knock out" might take place to benefit those of the surrounding district. What he wished to know was who was to fix the value between what these effects fetched at the sale and that which they ought to have fetched under favourable circumstances. So far as he personally was concerned there was nobody more fortunate in his tenants than he, and he gave them credit for doing their best, but if a bribe was held out for a man to have a bad sale, with the knowledge that the difference between what his effects fetched and what they ought to have fetched was to be paid by the landlord, he would not care whether his sale was good or bad. He wanted to know upon what basis the compensation which the tenant was to get was to be fixed. When this Amendment was before the other House the Solicitor-General for Scotland, speaking on behalf of the Government, said that if a tenant chose an unfavourable time for his sale the arbitrator might very likely award him nothing. But that was only an opinion. He thought their Lordships had a right to have something more than the opinion of a law officer. They had a right to say that the Government should define in

black and white the basis on which the difference was to be arrived at, and that they should give some idea of what was meant by "loss or expense."

LORD SALTOUN said there was no definition of the term "loss." It might be that no loss resulted from the sale of the stock. But the word "loss" included apparently furniture, implements, cattle, and everything else the man possessed, and it might easily be that a tenant would find it easier and cheaper to have a sale of his beasts instead of moving them. He thought there should be some strong restriction on the word "loss" and also on the amount for which the landlord was liable for removal of stock. If the Minister for Agriculture would give some indication that this matter should be looked into it would in his opinion be of great advantage.

EARL CARRINGTON: There is a great deal of force in what the noble Lord has said, but I think the argument would have been doubly strong if the sale was backed by the action of a generous landlord. Let me bring back to your Lordships the circumstances of this sale. It is not a sale by the farmer because he has made his fortune, or wishes to change his locality. Nothing of the kind. He is sent out of his farm by his landlord, who "for reasons inconsistent with good estate management" evicts his tenant. He does not want to go, but he is sent into the world for some reason; he has either shot a hare or he has been inconvenient to his landlord, and he is sent away under very harsh circumstances. I think that ought to be taken into consideration, and I think your Lordships would be disposed to treat a man under these circumstances in a fair and honest manner. If a man who has been for no fault of his own removed from his farm, has a sale, and it is a very wet day, it is an extremely bad sale, the landlord ought in common justice not to let the loss of that sale fall upon the tenant. I hope that your lordships' House will treat these cases in the way in which I think they ought to be treated, in a fair and generous manner. And as regards putting it all down in black and white that is an

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impossibility. It is not as if this was a new thing. Under the Lands Clauses Acts people have been removed from their houses for public purposes such as building railways and the like. They claim compensation. A valuer goes in and estimates what ought to be paid, and no doubt those valuers who have been accustomed to value under the Lands Clauses Acts will take the same practical common sense view of the conditions of affairs in this matter. I hope that this Amendment will not be pressed because it practically gives with one hand and takes away with the other. We all want to protect the tenant against arbitrary and capricious eviction. I express the confident hope that this Amendment will not be pressed and that the law will remain as it is.

VISCOUNT GALWAY said that while the noble Lord had answered his Question he had not answered that of Lord Londonderry as to how the loss was to be adjusted. Were they to take the valuation of a discontented man?

THE EARL OF CAMPERDOWN said so far as he could make out from the speech of the President of the Board of Agriculture "loss" was only another word for "gift" by a generous landlord to a tenant who was going out. That was the effect of what the noble Lord said. He said, "This was a matter in which he asked the Committee to remember that these men were turned out by a landlord who had behaved badly, and that under those circumstances it was quite right that he should behave generously and give him something." Was not that in other words saying that the loss was a gift?

EARL CARRINGTON: No, no.

THE EARL OF CAMPERDOWN said he would leave the matter to the Committee. This point was pressed on the Second Reading, when he himself pointed out that the loss meant the difference between what the sale fetched and what the things were worth, and that it was impossible to say at any time what the things were worth. The noble Earl said it was perfectly easy; that any

person who was accustomed to value under the Lands Clauses Acts could do it. But the Lands Clauses Acts had no application whatever to agriculture. They dealt with land taken for a railway or some other public interest, but they had nothing to do with stock and still less to do with household furniture. The Bill as it stood was unworkable, and it could not be dealt with because it was unworkable. He hoped the noble Lord would consider this point. It was said to be the wording of the Solicitor-General. He thought there were gentlemen in the Government who would find words which a plain man could understand, and he appealed to the noble Earl to find words and bring them up on Report.

LORD HENEAGE said the word "loss" in this clause meant loss on sale of stock, implements, and other subjects of the sale. He asked the Committee to consider what the difference in the price of stock was in August and October this year. Those farmers who were leaving their farms and who had their sale in September sold at a loss because keep was short, but those who were able to keep on, and who did not have their sale till October, sold at a great profit. Was it, therefore, to be a question of the judgment of the tenant as to whether he would sell in September or October? If that was the case, then whatever happened the tenant would not lose. It was a mere gambling transaction, and the landlord had to pay. This question of loss on sale was perfectly ridiculous. The tenant had full notice when he was going and had to take the chance of whether he chose a good day for his sale. He fixed the day on which the sale was to take place and had to get his stock in good condition for that sale. During the last year he had seen a lot of stock sold in very bad condition, and on one occasion, at the sale of a very good tenant, the answer he received when he asked whether the tenant had not had a very bad sale was "No," that he had had a very good sale indeed, considering the amount of grass he had for his cattle. But a few weeks after, at another sale, stock fetched far beyond the price for which it was sold on the previous occasion. Was the landlord who had nothing to do with the fixing of the day

of the sale, who could not control the weather, or the markets, or the amount of cattle coming from abroad, to be the only person to suffer and not get anything if there was a good sale? He thought the words "or loss" were an absurdity.

VISCOUNT ST. ALDWYN said he agreed with Lord Heneage. So far as any danger of a fraudulent sale was concerned the Amendment proposed by the noble Lord went a long way towards meeting the difficulty. But he did not think anything that had been said by the Government had met the point made by Lord Camperdown and Lord Heneage. Who was to estimate the loss? Supposing a man had a sale and got the market price of the day, what was the loss? How would that be estimated? Was a man to be compensated because he was obliged to sell at a particular date when in the course of a few weeks the value of stock might go up 10 per cent?

EARL CARRINGTON dissented.

VISCOUNT ST. ALDWYN said the noble Lord shook his head; would he put words into the clause to show that that was not his intention? It might be impossible for the tenant to remove his stock, and under those circumstances he would not be able to vote for leaving out the words "or loss." He did not think there was very much in the words "or loss" except as applied to the words "on sale." It was a question as to the sale. Could not the noble Lord, in some way or another, point out to the valuer the basis upon which he was to estimate the "loss on sale." Of course it could not be done now, but before the Bill left this House he honestly thought something of that kind ought to be done.

LORD HENEAGE said that obviously the one and only way in which this case could be met was by means of an estimate made immediately before the sale. Whether the price of stock had gone up during the past three months or had gone down, if the valuation was made immediately before the sale it would give the proper value of the

Lord Heneage.

stock according to the experience and knowledge of the valuer who made the valuation on the day that it was sold. If some words of that sort could be introduced into this clause it would at all events guard against any loss to the landlord through the compensation being calculated upon the basis of the difference between the value of the stock three months before and on the day it was sold.

LORD BURGHCLERE said he was not an advocate of bad landlords, but so far as he understood the clause it would only operate in the case of the problematical bad landlord. He asked whether his noble friend would not consider some words which might be inserted to safeguard the landlords' interests in sales that took place under these conditions.

*LORD STANLEY OF ALDERLEY said that this Amendment meant that the landlord was to indemnify the tenant against any loss at the sale. He was to insure that the tenant was compensated for whatever loss he made from a forced sale. It seemed to him that if a landlord was put into that position he ought also to be put into the position of seeing that the sale was a *bona fide* one and carried out in a *bona fide* manner. The arbitrator would have to make a valuation before the sale in order to find out what these things were really worth. Then it seemed to him that if a landlord were guaranteeing somebody else against a loss on sale he should have some voice in the matter to insure that the sale should be a *bona fide* sale. Apparently that was a matter of complete indifference to the tenant, because he was indemnified; he might arrange that there should be a family party at the sale, that his friends should buy up his things cheap, and that the landlord should pay the difference. He did not think it was reasonable to call upon the landlord to buy a number of things which he did not want, in order to prevent a knock out. If the landlord had to bear the loss he might also fairly have a say in the regulation of the sale to see that it was a proper sale on a proper day so that if the things went below a price they could be

bought in by him. For instance, supposing a valuer estimated the stock at £600, if one part of that stock was sold above the price put upon it by the valuer that would be the profit of the farmer, but if the other things went at a lower price it would be the loss of the landlord. That would be a fine thing for the tenant. He did not think it could be done now, but it seemed to him quite clear that between this and Report, if this duty was placed upon the landlord, some clause must be framed to enable a landlord to protect himself.

EARL CARRINGTON: The noble Lord has put the case so clearly and so moderately that I shall pledge myself to meet as far as I can the wishes he has expressed. I should be very sorry if these two words "or loss" were left out, because it would undoubtedly give an impression that the House of Lords were driving a very hard bargain with the unfortunate devil who was turned out of his farm. That would not be at all a pleasant idea to get about. I pledge myself, if the noble Viscount will allow our words to stand, to do that.

VISCOUNT GALWAY said he was quite willing to withdraw his Amendment after what had been said, but he wished to put two points. A tenant might have been turned out in accordance with good estate management and for good and sufficient cause, and in that case he did not see why a landlord should pay. He hoped also that the noble Lord would remember that two sales might be going on at the same time on the same day, and if that was so he did not see why the landlord should be damnified.

Amendment, by leave, withdrawn.

Amendments moved—

"In page 4, line 5, after the word 'expense' to insert the words 'directly, attributable to his quitting the holding.'"

"In line 6, leave out the words 'by reason of his quitting the holding sustains or incurs' and insert the words 'may unavoidably incur.'"
—(Earl Carrington.)

On Question, Amendments agreed to.

*EARL FORTESCUE moved to insert the word "household" before "goods,"

in order to make clear what was the class of goods to which this clause would apply. It was not unusual for a small farmer to carry on a small shop or public-house in addition to the farm, whilst on the other hand he knew large farmers who had traction engines and steam rollers and other things which they let out. He moved this Amendment in order to limit "goods, implements, produce, or stock," so that they should be only those belonging to the farm.

Amendment moved—

"In page 4, line 7, after the word 'his' to insert the word 'household.'". —(Earl Fortescue.)

EARL CARRINGTON: I hope the noble Lord will not press this Amendment. It would give rise to all sorts of questions.

A NOBLE LORD hoped Earl Fortescue would press the Amendment because it raised the question of the stock of a man who might be in business and which stock had nothing whatever to do with his farm.

EARL CARRINGTON: I hope the noble Earl will not press the Amendment. I think he might leave it to the common sense of the arbitrator. I am most anxious that the idea should not get about in any way that the House of Lords is trying to reduce the amount of compensation that should be paid to the very few people that this clause will affect.

THE DUKE OF NORTHUMBERLAND said he did not understand in the least the noble Earl's attitude upon this Amendment. The noble Earl said it was a very difficult thing to decide whether a certain thing was or was not farm stock, and therefore the utmost liberty was to be given to the tenant to include as many things as possible under the name of "goods" and the landlord was to have no protection whatever. Why? Because, forsooth, it would be thought that the House of Lords was trying to drive a hard bargain and to reduce the claims for compensation. It was the first time he had ever heard a Minister use such

an argument as that no protection should be given to a person because it might be difficult and rather vexatious to find out what was due to one party and the other.

EARL FORTESCUE said he did not wish to be unreasonable or to make it easy for a man to evict a tenant unreasonably and without good cause. But he thought it was only common sense that implements which had nothing to do with farming should not be taken into consideration.

On Question, Amendment agreed to.

Amendment moved—

“In page 4, line 8, after the word ‘implements’ to insert the words ‘of husbandry.’”—(*Earl Fortescue.*)

EARL CARRINGTON: It is in your Lordships’ hands and I will not give your Lordships the trouble of taking a division, but I do most earnestly protest against this Amendment.

On Question, Amendment agreed to.

*THE EARL OF YARBOROUGH moved to omit the words “produce or stock.” It seemed to him that the tenant ought to be able to make arrangements for the sale of produce and stock and that the landlord should not be liable for any loss that might be entailed.

Amendment moved—

“In page 4, line 8, to leave out the words ‘produce or stock.’”—(*The Earl of Yarborough.*)

EARL CARRINGTON: I cannot accept this Amendment on the general grounds which I cannot go into again, upon which I refused Lord Fortescue’s Amendment.

On Question, Amendment agreed to.

*THE EARL OF YARBOROUGH said the object of his next Amendment was to limit the compensation to tenants resident on their farms. A tenant might occupy land and live in a house of his own or of another landlord. Under this clause the landlord might have to compensate the tenant for moving from that house. The tenant might set up a case that, the landlord having taken away the

The Duke of Northumberland.

land from him, he had been unable to get land enough else - where, with the result that he was compelled to set up another home. He thought it would be rather hard that the landlord should have to pay compensation for that. The clause applied to accommodation lands outside small parishes and also to small holdings. In the case he suggested, the tenant who resided not on the holding but on some other holding could get compensation on getting notice to quit.

Amendment moved—

“In page 4, line 8, after “implements” to insert the words ‘this section shall only apply to a holding with a house on it in which the tenant actually resides.’”—(*The Earl of Yarborough.*)

EARL CARRINGTON: I do not think the noble Lord on reflection would wish to press this Amendment. He must know that there are plenty of farms and holdings on which there is no house, and it certainly would seem rather an injustice to deny to the tenant farming such a farm the benefits of this Act because either there was no house or the house was not sufficiently good for him to live in.

VISCOUNT ST. ALDWYN said the Amendment was badly worded and did not carry out what the noble Lord intended. As he understood his speech, what the noble Lord desired was to limit the compensation to the household goods and the farm stock and so forth on the holding in respect of which the man was tenant. Should not these words “household goods” and so forth be limited to matters that belonged to the holding from which the tenant was evicted?

EARL CARRINGTON: I understand the point now, and will make a note of it and see what can be done to meet that particular point upon Report.

Amendment, by leave, withdrawn.

Amendment moved—

“In page 4, line 8, after the word ‘or’ to insert the word ‘farm.’”—(*Earl Fortescue.*)

EARL CARRINGTON: I hope this limiting Amendment will not be pressed. This is just the same limiting suggestion that we have had already. I need not go further.

*EARL FORTESCUE said it seemed to him that there was just as much reason for pressing this as the other.

*EARL CARRINGTON: Of course I am in your Lordships' hands.

On Question, Amendment agreed to.

LORD SALTOUN said the Amendment standing in his name was to limit the distance in regard to which compensation was to be paid for removal. There ought, undoubtedly, to be some limit, and he suggested thirty miles. The ordinary process in his country was that a man merely walked his horses over to another farm, took his implements over in his own carts, and the whole thing was very easily and cheaply arranged. Under this Bill the landlord might have to pay compensation on removals from the north of England to the south, and not only to the south of England, but, for all he knew, to South Africa. There ought to be some limit imposed. If a farmer belonging to a district did not get a farm within a certain radius of the place in which he had been living for a long time there must be something against him, and he should receive no compensation. He hoped therefore there would be some limitation put in.

Amendment moved—

"In page 4, line 8, after the word "stock" insert the words 'to a distance of thirty miles from his holding.'"—(*Lord Saltoun.*)

EARL CARRINGTON: I think the limitation of expenses would meet the noble Lord's point and prevent a man going from one end of England to another in order to run up a bill. I do not see why we should limit the removal of a man's goods or stock to a distance within thirty miles of the holding that he is leaving. I am perfectly sure that the noble Lord does not wish to make a thirty mile agricultural radius like the four mile cab radius, and therefore I hope the noble Lord will agree to withdraw this.

LORD SALTOUN asked to be allowed to point out one case. He had a tenant who, next term day, was leaving the farm, at his own request, and was going down to take a farm in Devonshire. It was on account of his wife's health. She had to go west. Supposing instead of that man going at his own desire he was being turned out. He would still go down to Devonshire, but he would claim compensation from his landlord for the whole way.

EARL CARRINGTON: I quite understand the regrettable instance to which the noble Lord has referred, but I think it might be left to the arbitrator, because, after all, valuers have some common sense. It would be found that, when a man was going to the south of England, or perhaps to New Zealand, and said, "I am going to make my landlord pay," that the valuer would probably say, "If you are going this distance what you must do is to sell your goods and you will be compensated in a rough and ready sort of way, if there is any great loss."

*LORD MONK BRETTON said he had a similar Amendment on the Paper which he had intended to withdraw, and he was surprised that the noble Lord should have proposed his. It seemed to him that the Amendment, put upon the Paper by the President of the Board of Agriculture would meet the case. A tenant who went to a distance would have to prove that he could not get another holding on that side of the district; and that the expense was directly attributable to his quitting the holding, and the loss sustained had unavoidably been incurred.

VISCOUNT ST. ALDWYN said he agreed with Lord Monk Bretton that the Amendment of the President of the Board of Agriculture covered the whole thing. No honest valuer would say that it was unavoidable that a man should go more than thirty miles.

THE DUKE OF NORTHUMBERLAND said he was afraid he could not agree to that. It would be exactly the reverse. A good tenant turned out by a bad landlord could always find somebody glad to take him, but a bad tenant would be unavoidably compelled to go to a

distance. These words did not in the least meet the case. The noble Lord had said that if he was a bad tenant he would not come in under this clause. But who was to determine whether he was a bad tenant or not, and, if he was a bad tenant, that he should not come under this clause? It was quite possible that some valuers might not be prepared to say that the man was a bad tenant although the neighbours knew and the landlord knew and did not wish to have him on their property. If that was the case the landlord would have had additional expense because the man was a bad tenant. He quite saw the difficulty of the thirty-mile radius, but it was the noble Lord's own Bill and he had no right to introduce into it an absolutely unworkable grant of compensation of this kind.

THE MARQUIS OF RIPON: I hope the noble Lord will not take a division on this Amendment. It is not possible to make a mileage limit in this matter. Supposing I turn out a tenant and he seeks to take refuge on an estate just within thirty miles and is unsuccessful, it would be very hard to say he should not be compensated for travelling to another estate because it is twelve miles further on.

*THE MARQUESS OF LANSDOWNE: I agree very much with what has been said upon this subject. I make no secret of the fact that I am not much enamoured of this clause, but I do say if we are to accept the principle of compensation we must depend upon the common sense of the tribunal by which that compensation will be awarded. I prefer to rely on that rather than on any limit of distance which must, after all, be arbitrary in its character. If you want a proof of that arbitrariness you need only look at the Paper and you will see three Amendments upon this subject. Lord Salton's suggests thirty miles, Viscount Galway "twenty-five miles" and Lord Monk Bretton "a forty-mile radius." I think that shows how impossible it is to work the thing on this principle, and if these Amendments are pressed I shall vote against them.

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LORD SALTOUN said after what had fallen from the noble Marquess he should certainly withdraw the Amendment. But he thought there ought to be a limit, although he was not wedded to the thirty miles.

Amendment, by leave, withdrawn.

THE DUKE OF NORTHUMBERLAND said the next Amendment raised a very important question. This clause submitted two totally different questions to the arbitrator—one whether the landlord had, without good and sufficient cause and for reasons inconsistent with good estate management, evicted his tenant; and the other the question of what compensation the tenant should receive on the vacation of his lease or holding. It seemed to him perfectly evident that those two questions could not be determined by the same mind or the same kind of person. One was a question of public policy and the other a question of actual value and detail. He would like to ask the President of the Board of Agriculture what his own definition was of conduct consistent with good estate management. Who was going to decide what was good estate management? He might instance an estate near a big town where the property was being gradually developed and must necessarily be developed for building. A portion of the tenant's land was taken away for building purposes. Was that consistent with good estate management or not? That depended upon what demand there was for sites for building houses. Then supposing the owner said he would take part of the tenant's land not for building purpose, but for the purpose of making a public park; was that consistent with good estate management? That would all depend upon the amount of accommodation there was in the town and the necessity there was for lungs in the town and so forth. Who was going to decide principles of that sort? Again, supposing there was a tenant who was in every respect a good farmer, who did well by his land; who paid his rent promptly, but who happened to be of such an immoral character that he was demoralising the whole neighbourhood. Was it good estate management

to get rid of such a tenant or not? That could be judged in both ways. One person might say, "Well, business is business" and so long as the man was a good farmer and did well by his land and paid his rent promptly they had no right to consider anything else. But there were others who considered something more than good farming and prompt payments. Did the Minister for Agriculture think with regard to cases of that sort that he could lay down any rule as to what was good estate management and what was not? This difficulty seemed to require that they must have this question of good estate management submitted to one tribunal and the question of compensation to another. He was not enamoured of his own clause and he would withdraw it in favour of the noble Lord's own proposal provided that he would insert in his clause—

"In questions arising under this section"

If the noble Lord would add those words to his clause he thought the clause would then meet the whole of the difficulty. But before he withdrew it he should like to know what the noble Lord was willing to do in that direction.

Amendment moved—

"In page 4, line 8, after the word 'stock' to insert the following new paragraphs: 'Provided as follows—That within fourteen days after receiving a notice to quit or a refusal to renew the tenant if he alleges that he will, under the provisions of this section become entitled to compensation on quitting the holding, shall notify the same in writing to the landlord, and either party may within fourteen days thereafter take proceedings to have the matter determined and the rights declared by a Judge of the High Court in an action for that purpose. In cases where neither the value of the premises nor the rent payable in respect thereof shall have exceeded one hundred pounds by the year, and upon which no fine or premium shall have been duly paid, either party may apply to the Judge of the County Court of the district in which the premises are situate for a declaration of the rights of the parties in respect of the matter to be determined by the Court under this section whose decision therein shall be final, subject to an appeal to a Divisional Court of the High Court of Justice, and such application shall be deemed to be an action or matter within Section 67 of the County Courts Act, 1888, relating to Jurisdiction in Equity. The Court, in any case, and at any time, may allow the withdrawal of a notice to quit or refusal to renew upon such terms as to costs or otherwise as it may deem fit.'"—(*The Duke of Northumberland.*)

*LORD ZOUCHE said he thought before the noble Lord agreed to that he should look at the first part of the Amendment, which he thought was not covered by the Bill. The most important part of the noble Duke's Amendment was the provision—

"That within fourteen days after receiving a notice to quit or a refusal to renew the tenant, if he alleges that he will under the provisions of this section become entitled to compensation on quitting the holding shall notify the same in writing to the landlord."

That appeared to him to be an extremely valuable provision, because if a notice was given to the tenant to quit it was quite possible that he might say nothing and lead the landlord to suppose that he did not object. He might allow the time to slip by until the period arrived when he was about to quit the holding and then, if such a term might be permitted, "spring" a claim upon his landlord for compensation for unreasonable disturbance. Some such provision as this was only fair, because at present the matter was a little in doubt. Another vexed question was as to what was unreasonable and what was not. Supposing no reason was given in the notice to quit, that it was a simple notice to quit without any definite reasons being given. Was the fact that there was no reason given to be deemed in itself unreasonable? He ventured under these circumstances to suggest that the first part of the Amendment of the noble Duke should receive the sanction of the Committee even if he withdrew it in favour of the noble Lord later. The only other reference he desired to make was that this difficulty should be determined by the High Court. Their Lordships had recently discussed the provisions of the Town Tenants Bill, and it would be in their recollection that in that Bill there was almost the same clause except that the question was to be determined by the County Court.

VISCOUNT ST. ALDWYN, who had placed a similar Amendment on the Paper, said he quite agreed with what had been said as to the first part of the noble Duke's clause. He thought it would be a very valuable thing to have a *locus penitentie* for both sides. First there should be time after the notice to quit was given

for the landlord to withdraw that notice before proceedings were taken in the Court, or before the valuer, and, secondly, there should be time in which both landlord and tenant might consider the position. That was not provided or in the Bill as it stood, but he hoped it would be before the Bill passed its final stage. The next point was the reference of cases of this sort, so far as the "good and sufficient cause and for reasons inconsistent with good estate management" were concerned, to the Court rather than the arbitrator. That was specially provided for by the Amendment which would be moved by the noble Earl at a later stage, but he had not made any provision for the arbitrators. The arbitrators who would do the work with regard to, at any rate, the latter part of this clause—the amount of compensation to be awarded—would have a most important and difficult work to do. These men had hitherto been accustomed to interfere in the differences between landlord and tenant, and it would be, in his opinion, a good thing if there were some recognised person in each county, valuers of the highest class, who should be named as the persons to undertake references of this kind. He suggested that a list should be drawn up by the chairmen of the county councils, but that might not be the best way, and probably a list drawn up by the Board of Agriculture would answer the same purpose. They would be judges in the two important matters with which this clause dealt, namely, good and sufficient cause and good estate management, and he thought it would be for the benefit of all if these arbitrators held a high and distinguished position. He thought that would be to the advantage of landlords and tenants alike, and he hoped the Government would consider the suggestion.

EARL CARRINGTON: I am very much relieved by the proposals of the noble Duke and the noble Viscount opposite. The noble Duke's Amendment was a formidable one as it stood, but I think I can meet him in the way in which he proposes, and also the noble Viscount. I quite agree with what the noble Viscount said about the necessity of the arbitrators' having the highest

possible standing, but I should be inclined to demur to the suggestion that they should be appointed by the chairmen of the county councils. With regard to the proposal of the noble Duke, I have some words here that I might read to him and we might come to a settlement at once—

"Any question arising under this section, as to whether the landlord acted with good and sufficient cause consistent with good estate management, shall for the purposes of the arbitration relating to the statement of the case, be deemed to be a question of law."

I do not know what the idea of the noble Duke is, put into words, but if that is it, we can settle it now, otherwise we shall have to bring it up on Report, when it can be settled.

*THE MARQUESS OF LANSDOWNE: The words which the noble Earl has just read seem very good as far as they go, but they do not cover the point dealt with in the first paragraph of the noble Duke's Amendment. It is a very important paragraph indeed. It is the paragraph in which the noble Duke proposes that the tenant shall be compelled to give notice to the landlord within a certain time that he means to claim compensation under this section. I hope the noble Earl will endeavour to graft that into some part of the section.

THE EARL OF PORTSMOUTH said the Duke of Northumberland had spoken of the necessity of adding words as to whether the cause was good and sufficient. Those words could be added to the words of the noble Earl.

VISCOUNT ST. ALDWYN said he did not think the noble Earl appreciated the position. As the clause now stood in the Bill the proceedings might go on directly the tenant made up his mind to claim compensation after the notice to quit had been given. The point was that there should be time between the notice to quit and the notice to the landlord that the tenant intended to claim, in order that both parties might be able to consider their position. That was provided for by the noble Duke, and he hoped it would be provided for in the Bill.

Viscount St. Aldwyn.

EARL CARRINGTON: Will noble Lords opposite allow me to deal with this matter on Report? I think we then shall be able to come to a conclusive arrangement.

THE EARL OF CAMPERDOWN said there was the same case with regard to Scotland. That was one of the misfortunes of putting Scotland and England into one Bill. He desired to point out to the noble Earl that it was really necessary that any such questions should be dealt with, and he suggested that all questions as to the unreasonableness of the landlord and "good and sufficient cause" should, in Scotland, be decided by the sheriff.

A NOBLE LORD pointed out that in order to meet this point he would have to alter the Amendment standing in his name on page 4, line 11, so as to add to it that the question of good and sufficient reason should also be a question of law. If the noble Earl did that the Amendment would do all that it was proposed to do.

THE DUKE OF NORTHUMBERLAND said he was willing to withdraw his Amendment on the understanding that they could revive this discussion on Report. He thought that it would be absolutely necessary on Report to discuss the whole policy of Clause 4. It was a very serious question, and they must not take it as settled if the discussion was not taken now.

Amendment, by leave, withdrawn.

*THE EARL OF PLYMOUTH moved an Amendment excluding from compensation claims goods which the landlord offered to take at a valuation. They had had a great deal of discussion as to the expense that might be placed upon the landlord by the tenant's removal of his stock and goods. It seemed to him that very often it would be a convenience for both landlord and tenant if the stock and implements, etc., could be taken over at a valuation. He hoped the noble Earl would accept this Amendment, because in the House of Commons the Solicitor-General had stated that this

was what in all probability would take place under the Bill. The Solicitor-General said that if the landlord said to the tenant, "I will take over your stock at a valuation," and the tenant refused and said he would have a public sale, and the public sale realised a less amount than that which had been offered, the arbitrator in all probability would not give compensation.

Amendment moved—

"In page 4, line 8, after the word 'stock' to insert: 'Provided that a claim for compensation under this section shall not be sustainable in respect of any household goods, implements, produce, or stock which the landlord offers in writing at least one month before the expiration of the contract of tenancy to take at a valuation.'"—(*The Earl of Plymouth.*)

EARL CARRINGTON: I cannot honestly say I like the principle, for the reason that I do not think in the first place the landlord would like to avail himself of the offer given, and I must say that the tenant would feel aggrieved. If he got less than he ought to get then he ought to claim. I am, of course, in the hands of the House, but I should suggest that the supposed right of pre-emption should not apply to household goods, because there was such a thing in a man's household as the man's wife, and she might for some reason object to a particular clock or a particular chair or some other particular object of furniture or piece of china being taken by the landlord in the valuation. So I hope if the Committee insists upon the Amendment they will leave out the household goods.

VISCOUNT ST. ALDWYN said he should imagine that his noble friend would not press this Amendment. But it contained the principle of valuation which the noble Lord must consider on the Report Stage. The only way to carry out this clause was to have some sort of valuation to which the landlord was a party.

Amendment, by leave, withdrawn.

*LORD BALFOUR OF BURLEIGH said he now proposed that this clause should not apply to the tenure of land in Scotland. It was admitted that the Bill was not drafted for Scotland, and if the noble Lord after

the discussions which had taken place in this House thought it did apply to Scotland he did not know very much of the conditions that existed there. He did not intend to raise the question of dual ownership but to ask whether it was intended to give in Scotland to adult men who were quite able to make their own bargains a clause of this kind in which the landlord was penalized if he simply refused to renew a tenancy. Why should a landlord not refuse? The tenant had been in occupation for a period of years. He had bargained to come for a certain number of years and no longer. The period had expired, the landlord had fulfilled his contract, and the tenant had enjoyed his bargain for the period he had bargained for. Why in the name of common sense or justice was the tenant to have more than he bargained for and the landlord have taken from him what he never contracted to give away? The noble Lord had said that he did not believe landlords would act in an arbitrary manner. The landlord would not act in an arbitrary manner at all; the lease would expire by effluxion of time and the bargain would come to an end. The noble Lord, like many of his predecessors, went to Scotland and attended annual conferences of the Scottish Chamber of Agriculture and the Associated Societies, and made a number of eloquent speeches. In one of them the noble Lord said—

"I understand that the clause is not absolutely necessary for Scotland because I believe the general tenure in Scotland is on a nineteen years lease. If you have a nineteen years lease you have a certain amount of security for your holding. But the farmers in England are in a different position."

A little later on he said—

"I would also remind you that the Solicitor-General for Scotland, who gave most valuable assistance during the discussions on the Bill, expressed his opinion that it would not be difficult to adopt the Bill to Scottish procedure and that this can readily be done by means of an application clause."

The noble Lord therefore admitted that the clause as it stood was not suitable to Scotland. At an earlier stage of the Bill he pressed the noble Lord to put down Amendments to make this a practical clause. From that

Lord Balfour of Burleigh.

time to this they had not had the least attempt to do anything of the kind. They were the victims of an ambitious Gentleman from Cornwall who had since been unseated for bribery, and they were there to assist him and his friends to pass this Bill. He would not be responsible for applying this clause in any form to the system of land tenure in Scotland. Root and branch this scheme was unsuitable. It was unfair to the landlord and would not do the least good to the tenant. The First Lord of the Admiralty had made a most conciliatory and reasonable speech on the Second Reading. The noble Lord said with regard to the compensation for unreasonable disturbance—

"There is no doubt that that clause as drafted does apply to leases as well as to year to year engagements. I am myself best acquainted with the nineteen years leases, and I should like to suggest to my noble friend Lord Carrington that it might be well to consider whether we should not introduce certain provisions that would specially meet the case of nineteen years leases."

From the particular form of the interpretation it was clear that that was a promise by the Government, and he did not know now to whom they were to apply. From first to last they had not been fairly treated in this matter. They were put off from time to time and did not know now what the intentions of the Government were with regard to Scotland. The noble Lord representing the Scottish Office certainly did put down two Amendments on the Paper a day or two ago, but they had since been withdrawn. He thought their Lordships ought to know whether they were withdrawn by the desire of the Government or whether they were to be renewed at a subsequent stage. Their Lordships were in the small hours of the morning asking for information promised to the Scottish nation two months ago by the noble Lord representing the Scottish Office, which they were even now unable to get.

Amendment moved—

"In page 4, line 11, after the word 'arbitration' to insert the words 'This section shall not apply to Scotland.'—(*Lord Balfour of Burleigh.*)

EARL CARRINGTON: I hardly think that I personally deserve all the noble

Lord has said. We cannot possibly accept the noble Lord's Amendment. There is no reasonⁿ which leads us to suppose that a clause which is so necessary in England is inapplicable to Scotland. I quite agree that the Scottish Chamber of Agriculture disapproved of the clause, but I think there is an increasing disposition in Scotland to regard it with favour. And it is possible even in Scotland for a bad landlord or two to exist, and this evil may occur. What do the Scotch Members of the House of Commons say? I quite agree that the noble Lord is a great Scottish representative and that he knows a great deal of the feeling in Scotland, but there are such persons as Scottish Members of Parliament, and some of them have been returned by large majorities, and it may fairly be supposed that they represent to some extent and in some way the feeling of the people who sent them to Parliament. I find that in the other House there is not anyone who is willing to give way on this clause. Now, what am I to do? Am I to believe the noble Lord or am I to believe the men who are popularly elected to represent the views of the majority of their countrymen in Parliament? I think my only plan is to take the opinion of those who represent the majority and to act accordingly. I really must protest against any imputation of injustice. In this case I have, if I may use a word that is somewhat disliked, a distinct mandate from the representatives of Scotland to stand by the clause as it is. I most earnestly hope that the noble Lord will recognise the feeling of the country of which he is so distinguished an ornament, and will recognise the view of Scotland as expressed by the electorate.

***LORD BALFOUR OF BURLEIGH:** What am I to make of the promise of the First Lord of the Admiralty?

EARL CARRINGTON: He made the promise and explained it, but that promise was entirely conditional.

VISCOUNT ST. ALDWYN said he could quite understand that the noble Lord had a strong claim with regard to nineteen

years leases. But he supposed there were in Scotland such things as annual tenancies. If that were so why should this Bill be applied in England and not in Scotland? If the noble Lord proposed to move that the clause should not apply to nineteen years leases that would be an intelligible proposition which he might support. But he certainly could not vote for excluding Scotland in this matter, and if the noble Lord proceeded to a division on this Amendment he should vote against it.

***LORD BALFOUR OF BURLEIGH** said he would have been willing to withdraw his Amendment if he had received the slightest consideration from the noble Lord, but upon this matter he must make his protest, even if he stood alone.

On Question, Amendment negatived.

LORD SALTOUN moved to exclude leases for nineteen years or longer from the operation of the clause. He adopted every word that had fallen from Lord Balfour with regard to this subject. He put this Amendment down as he thought probably it would apply to English as well as Scottish leases, and he hoped the noble Earl would find himself able to accept it. There was no use in arguing the point further, and therefore he would content himself with moving the Amendment.

Amendment moved—

"In page 4, line 11, after the word 'arbitration' to insert the words, 'This section shall not apply to leases of nineteen years or longer duration.'"—(*Lord Saltoun.*)

A NOBLE LORD said he did not see why nineteen years should be inserted.

VISCOUNT ST. ALDWYN said that twenty-one years would be the ordinary lease in England with a power to break at seven or fourteen years, but, as he understood, a lease in Scotland was for nineteen years. That was the reason for inserting that figure.

On Question, Amendment agreed to.

EARL CARRINGTON: No, no. I cannot agree to that. It strikes at the root of the Bill.

LORD SALTOUN: I should like to point out to the noble Earl that the Chairman has put the Question and the Amendment is carried.

THE CHAIRMAN OF COMMITTEES: Yes, that is so. I put the Question and you did not challenge and the Contents had it.

EARL CARRINGTON: If that is so, I cannot agree to it, and I shall have to bring it up on Report.

THE EARL OF LYTTON, who had given notice to move to insert the words "And compensation paid under this section by the landlord, being a tenant for life or other limited owner of settled land, may be repaid to him by the trustees of the settlement out of capital monies in their hands," said the object of these words was not to enable the tenant for life to charge his torts on his successors, but merely to make it plain that the tenant for life, when he carried out an improvement, which was advantageous to the estate and to his successors, should be repaid. Supposing the successor to the tenant for life arranged to come and take the house of a farm in order that he might know the land, that would be advantageous to the estate and himself. The question of whether or not compensation would have to be paid to the tenant last on the holding was, as the Bill stood now, left entirely in the discretion of the arbitrator. If the Bill was to continue in that form he should have asked leave to introduce these words into it. But he noticed that there was an Amendment on the Paper in the name of the noble Earl which would give an appeal in these cases, and therefore he would not move his Amendment.

Amendment moved—

"In page 4, line 11, after the word 'arbitration' to insert the words 'Provided that this section shall not apply where the tenant with whom the contract of tenancy was made has died within three months before the date of the notice to quit or in the case of a lease for years has died before the refusal to grant a renewal.'"—(*Viscount St. Aldwyn.*)

On Question, Amendment agreed to.

Amendment moved—

"In page 4, line 11, after the word 'arbitration' to insert as a new sub-section '(2) A claim for compensation under this section shall not be made after the expiration of three months from the time at which the tenant quits the holding.'"—(*Earl Carrington.*)

VISCOUNT ST. ALDWYN said that the words were quite right so far as one end was concerned, but what the Committee really desired was to see a change made so as to enable the matter to be fairly considered before the tenant quitted his holding.

EARL CARRINGTON: Would not three months be enough?

VISCOUNT ST. ALDWYN thought three months would be ample, but it should be three months before and not after the tenant quitted.

Amendment, by leave, withdrawn.

Amendment moved—

"In page 4, line 11, after 'arbitration' to insert as a new sub-section '(3) Any question arising under this section as to whether a reason was inconsistent with good estate management shall, for the purposes of the provisions as to arbitration relating to the statement of a case, be deemed to be a question of law.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

THE MARQUESS OF WINCHESTER said before the clause was put, he had an Amendment, not on the Paper, which he desired to move. The noble Earl had assumed with regard to the arbitrators who would act under this Bill that every man appointed would be capable of carrying out the duty. But he thought some direction should be given to the arbitrator in cases of compensation to take into consideration whether the sale had been properly and duly advertised, and whether it had been held in the ordinary way. He therefore moved.

Amendment moved—

"In page 4, line 11, after 'arbitrators' to insert the words 'And in cases of claims under this section for loss on sale, the arbitrator shall take into consideration whether that sale has been bona fide and has been properly advertised.'"—(*The Marquess of Winchester.*)

THE CHAIRMAN OF COMMITTEES said that since this Amendment was handed in, two others had been added to the Bill. Therefore, this Amendment would come in as the 4th sub-section.

EARL CARRINGTON: I hardly like to pledge myself to accept the noble Marquess's Amendment now. I would ask the noble Marquess to move it again on Report.

Amendment, by leave, withdrawn.

Drafting Amendment agreed to.

On Question, Clause 4, as amended, agreed to.

Clause 5 agreed to.

Clause 6:—

*VISCOUNT HILL moved an Amendment requiring tenants to submit plans of proposed repairs. He said that although tenants might be good farmers they sometimes had no very great idea of what buildings were best suited to their purpose, and sometimes made fancy improvements which were as a matter of fact no improvements at all. He had had a case on his own estate where the tenant desired to have an improvement and to get rid of the grievance of which he had complained. He had no objection to meet his tenant and had drawn up plans in accordance with what he thought his tenant desired. In the meantime his tenant had had his own plans drawn up by a local contractor; but they would not carry out the main object of his tenant, which was to get rid of an overflow of water in his yard. He had refused to have the work done in his tenant's way and his tenant had refused to allow him to do it in his own, and up to the present time that improvement had not been carried out. What he wanted to know was what would be his position when this Bill came into force.

Amendment moved—

"In page 4, line 26, after the word 'intention' to insert the words 'together with plans of such repairs.'"—(*Viscount Hill.*)

EARL CARRINGTON: This Amendment would increase the cost to the tenant. The Bill only applies to the repairs the landlord should execute. The ordinary procedure is that the landlord should do the repairs. I really do not think there is much in this Amendment, and I hope the noble Lord will not press it.

Amendment, by leave, withdrawn.

*EARL FORTESCUE did not think many repairs would be done on these farms. But at the same time he thought it was only reasonable that the tenant should send a post card to the landlord giving him notice when the work was going to be done in the event of the landlord failing to execute the repairs, and he moved an Amendment with that object.

Amendment moved—

"In page 4, line 28, after the word 'notice' to insert the words 'and shall if the landlord fails to execute the repairs give him notice in writing of the date at which they will be executed.'"—(*Earl Fortescue.*)

EARL CARRINGTON: It seems undesirable to complicate such a measure as this by so many notices. I should hardly think the noble Lord will insist on his Amendment. It seems rather unreasonable to ask for two notices in place of one.

Amendment, by leave, withdrawn.

Clause 6 agreed to.

Clause 7:—

THE EARL OF LYTTON said that gates formed a very important part of a holding, and he thought the record would not be complete without them. He accordingly moved that they should be included in the record.

Amendment moved—

"In page 4, line 31, after the word 'fences' to insert the word 'gates.'"—(*The Earl of Lytton.*)

On Question, Amendment agreed to.

Amendment moved—

"In page 4, line 31, after the word 'roads' to insert the word 'gates,' and after the word 'drains' to insert the word 'ditches.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

THE EARL OF LYTTON said that as the Bill now stood, after the Amendment just agreed to, it would include all drains. He therefore desired to insert words to exclude field drains. It might cause a great deal of inconvenience to the farmer to interfere with field drains.

Amendment moved—

"In page 4, line 31, after the word 'drains' to insert the words 'other than field drains.'"—(*The Earl of Lytton.*)

A NOBLE LORD said it was very easy to find it out when field drains were damaged in any way, and it would be a great pity to exclude them from the clause.

On Question, Amendment negatived.

THE EARL OF CAMPERDOWN said he had been asked by Lord Lytton to move an Amendment providing that the record should be made within six months after the commencement of the tenancy.

Amendment moved—

"In page 4, line 32, after the word 'made' to insert the words 'within six months after the commencement of the tenancy.'"—(*The Earl of Camperdown.*)

EARL CARRINGTON: Would the noble Lord accept one month in place of six months? I proposed to move an Amendment on Lord Penrhyn's Amendment very much to the same effect. I propose to amend that Amendment by saying "Within one month after."

THE EARL OF CAMPERDOWN said he had no particular objection to accepting "one month," but he thought it was rather a short time. Would the noble Earl make it "three months?"

EARL CARRINGTON: I accept that.

On Question, Amendment, as amended, agreed to.

THE EARL OF CAMPERDOWN said the object of his next Amendment was to maintain this record and keep it up-to-date.

Amendment moved—

"In line 35, after the word 'proportions' insert the words 'where such record has been made either party at any time during the tenancy may require the entry thereon at his own cost, if any, of improvements made or depreciation having occurred (other than depreciation from fair wear and tear) in the condition of the buildings, fences, roads, drains, and cultivation of the holding.'"—(*The Earl of Camperdown.*)

EARL CARRINGTON: I cannot accept this Amendment. The view of the Government is that it would be the cause of a great deal of trouble and would lead to considerable complications. I am in the hands of the Committee and, though I earnestly make my protest against the Amendment, I shall not put them to the trouble of a division.

VISCOUNT ST. ALDWYN said it would not do to make the requirement too costly and two troublesome.

THE EARL OF CAMPERDOWN said if there were going to be difficulties and troubles, was that any reason why the record should not be kept up.

THE EARL OF PEMBROKE asked whether it would not be the case that every estate office would keep a record.

THE EARL OF CAMPERDOWN said a record would no doubt be kept by every estate office, but that the estate would then be charged. However he would not press the Amendment.

Amendment, by leave, withdrawn.

On Question, Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9 :—

EARL CARRINGTON: I propose to leave out Clause 9 because a slight Amendment which I propose to move to Clause 12 will render Clause 9 unnecessary. It is practically a question of drafting.

On Question, Clause 9 disagreed to.

Clause 10 :—

EARL CARRINGTON: This again is only a drafting Amendment, Clause 10 having been now rendered unnecessary.

On Question, Clause 10 disagreed to.

Clause 11 :—

THE DUKE OF NORTHUMBERLAND moved to alter the date of the Act's coming into operation from 1908 to 1909.

Amendment moved—

“In page 5, line 6, to leave out the word ‘eight’ and insert the word ‘nine.’”—(*The Duke of Northumberland.*)

EARL CARRINGTON: I do not think we can possibly agree to this Amendment. It would postpone the operation of the provisions of the Act for nearly two years. When the Act of 1900 was brought in by noble Lords opposite it came into operation five months afterwards. If I am fortunate enough to get this Bill passed before Christmas it will not come into force for thirteen months. I therefore hope that this Amendment will not be pressed.

THE DUKE OF NORTHUMBERLAND said he was very sorry, but he must press this to a division. He did not think the precedent quoted had any bearing on the case. This Bill would interfere with every tenant in the country and it would be necessary for every running annual agreement to be called in and altered. He did not think noble Lords opposite knew quite what they were doing. The yearly tenants on most estates were accustomed to have their agreements renewed without any alteration, and there was nothing about which they were so suspicious as any alteration being made in those agreements. The Government should have no cause to wonder, therefore, if the tenants were informed as to whom they had to thank for this disturbance. If they had had a discussion, and he hoped this matter would be brought up on Report, he should have pointed out that large numbers of tenancies were held in two or three names. On his own estates he had 120 tenancies in respect to which more than one name appeared

in the agreement. Every one of those agreements would have to be altered and the name of one tenant put in, therefore it was only reasonable that time should be given for the alteration of this practice which was so general and so widespread. He frankly confessed that he would make no promise with regard to this clause, but he had been willing to agree to it. He had hoped that it would have been sufficient to put off the evil day till Michaelmas, 1908, but he had found that there were many tenancies which terminated on old Michaelmas day, which was 11th October, and therefore it was absolutely necessary in order that these agreements should be put in order, to defer the Act to 1909.

VISCOUNT ST. ALDWYN said it was originally proposed that the Bill should come into force on the first of January, 1908. It was expected then that it would become law before last Michaelmas. If it had, notice, in the case of an annual tenancy, would have had to be given to the tenant and the tenancy would have had to expire before the agreement could have been altered. If that had not been the intention of the Government they would not have carried the Bill as it stood. Now that its passing had been postponed he could not understand why there should be any objection to this Amendment.

*THE MARQUESS OF RIPON: I cannot but think that it would be a great disadvantage to landlords and tenants alike if this Bill, having been passed, should be allowed to be inoperative for so long a period as twenty-five months. It seems to me that great difficulties may arise in consequence; that landlords may not carry out the intention of the Act and tenants may feel aggrieved because landlords do not adopt it.

THE EARL OF CAMPERDOWN asked how the landlord was to give notice to a tenant. A yearly tenancy was practically a two years tenancy, because before a landlord could get rid of a tenant he had to wait till the expiration of the tenancy before he could give notice. He thought it extremely desirable that the Bill should not come into operation before they could make those

mutual arrangements which would be necessary in many cases.

LORD REDESDALE said it was obvious that unless the operation of this Bill was postponed until 1909 the landlords would be reduced to conditions of absolute impotence in regard to those tenancies which were still running. He thought that would be most unfair.

EARL CARRINGTON: I am of course in the hands of the Committee, but I wish to make the strongest protest against this Amendment; I am in favour of keeping the clause as it is.

On Question, Amendment agreed to.

LORD SALTOUN moved a slight alteration in the words of the clause so far as it applied to Scotland. In Scotland they took no notice of the beginning of the year, but had what was called a "term day." In the event of this Bill coming into force on the 1st of January, 1909, they would, in Scotland, be put back three months till November. But in the event of this Amendment being adopted it would bring its operation up to the first term day in 1909.

Amendment moved—

"In page 5, line 6, after the word 'eight' to insert the words 'and in its application to Scotland on the first term day thereafter.'"—*(Lord Saltoun.)*

EARL CARRINGTON: I cannot accept this Amendment. I need not go over the old ground again. Of course I am in the hands of the Committee, and I shall content myself with making a strong protest against it. I shall not go to a division.

On Question, Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12:—

EARL CARRINGTON: This is a drafting Amendment necessitated by and consequent on leaving out Clause 9.

Amendment moved—

"In page 5, line 8, after the word 'and' insert the words 'shall be read and construed and'"—*(Earl Carrington.)*

The Earl of Camperdown.

On Question, Amendment agreed to.

Clause 12, as amended, agreed to.

EARL CARRINGTON, in moving the omission of the preamble, said: This is another drafting Amendment which ought to have been made in the House of Commons.

On Question, preamble disagreed to.

VISCOUNT ST. ALDWYN asked whether the noble Earl would not now rename the Bill. It was ridiculous to call it the "Land Tenure Bill;" it ought to be called the Agricultural Holdings Act Amendments Bill.

EARL CARRINGTON: I move to postpone the question of title until Report.

On Question, Motion agreed to.

Standing Committee negatived.

The Report of Amendments to be received on Wednesday next, and Bill to be printed as amended. (No. 238.)

STREET BETTING BILL [H.L.]

Commons Amendments considered (according to order), and agreed to.

BURIALS BILL.

REMOVAL OF OFFENSIVE MATTER BILL.

Read 2^a (according to order), and committed to a Committee of the Whole House on Monday next.

EXPIRING LAWS CONTINUANCE BILL. [No. 239.]

LAND TAX COMMISSIONERS BILL. [No. 240.]

Brought from the Commons; read 1^a, and to be printed.

WORKMAN'S COMPENSATION BILL.

Brought from the Commons; read 1^a; to be printed; and to be read 2^a Tomorrow; (*Earl Beauchamp*). (No. 241.)

EDUCATION (PROVISION OF MEALS) BILL.

Brought from the Commons; read 1^a; and to be printed. (No. 242.)

House adjourned at One o'clock a.m., till Eleven o'clock a.m.

HOUSE OF COMMONS.

Thursday, 13th December, 1906.

The House met at quarter before Three of the Clock.

PRIVATE BILL BUSINESS.

FALKIRK AND DISTRICT TRAMWAYS
(EXTENSION) ORDER CONFIRMATION
BILL.

Considered; An Amendment made.
Bill to be read the third time To-morrow.

PETITIONS.

DOGS (PROTECTION) BILL.

Petitions in favour: From Belfast and other parts of Ireland; Birmingham and other places; Chatham and other places; Guildford and other places in Surrey; Lancashire and Cheshire; London and other places; Midland Counties; Scotland; Southsea and other places; and Wales; to lie upon the Table.

LICENSING ACTS.

Petitions for alteration of law: From Aspley Guise; Grimsby; and Upper Tooting; to lie upon the Table.

PARLIAMENTARY FRANCHISE.

Petitions for extension to women: From Guildford; and Poplar; to lie upon the Table.

RAHILL, OWEN.

Petition of Owen Rahill, for redress of grievances; to lie upon the Table.

TEACHERS' PENSIONS.

Petition from Leeds, for alteration of Law; to lie upon the Table.

RETURNS, REPORTS, ETC.

MERCHANT SHIPPING ACT, 1894.

Copy presented, of Order in Council, dated 1st December, 1906, confirming certain By-Laws made by the Tyne Pilotage Commissioners for the River Tyne in substitution of the By-Laws

hitherto in force [by Act]; to lie upon the Table.

MERCHANT SHIPPING ACT, 1894, AND
MERCHANT SHIPPING (MERCANTILE
MARINE FUND) ACT, 1898.

Copy presented, of Order in Council, dated 1st December, 1906, further altering the Scale of Light Dues to be levied under the Act of 1898 [by Act]; to lie upon the Table.

NAVAL AND MARINE PAY AND
PENSIONS ACT, 1865.

Copy presented, of Order in Council, dated 1st December, 1906, directing that any Pay, Half-Pay, etc., of Officers of His Majesty's Navy or the Royal Marines may be abated to meet Mess Debts or other similar debts or liabilities [by Act]; to lie upon the Table.

GENERAL LIGHTHOUSE FUND.

Account presented, of the General Lighthouse Fund, showing the Income and Expenditure for the year ended 31st March, 1906 [by Act]; to lie upon the Table, and to be printed. [No. 377.]

SUPERANNUATION ACT, 1887.

Copy presented, of Treasury Minute, dated 27th November, 1906, granting to Edward Aldridge, William Henry H. Butler, and Charles Gough, Overseers and Senior Telegraphists, Central Telegraph Office, retired allowances under the Act [by Act]; to lie upon the Table.

CHINA (NO. 2, 1906).

Copy presented, of Further Correspondence respecting the Decree issued by the Chinese Government on 9th May, 1906, respecting the Chinese Imperial Maritime Customs [by Command]; to lie upon the Table.

STANDING ORDERS.

Ordered, That the Standing Orders, as amended, be printed. [No. 378.]

QUESTIONS AND ANSWERS
CIRCULATED WITH THE VOTES.

Royal Naval Carpenter Warrant Officers.

MR. HAVELOCK WILSON (Middlesbrough): To ask the Secretary to the Admiralty whether the members of the

Douglass Committee who advised the abolition of the carpenter (warrant officer) in the Royal Navy had taken any steps to obtain the opinion of the admirals and captains on the active list on the question before arriving at their conclusion; whether he will inquire whether the officers mentioned failed in the finding of the Committee's Report; whether steps have been taken to ascertain if the officers, admirals, and captains on the active list consider it would be to the best interest of the service to retain the carpenter on the present line; whether, in the event of the Douglass Committee's suggestion being approved, their Lordships intend merging the warrant officers at present holding the rank of carpenter to the proposed rank of warrant artificer; and whether he will furnish the House with a list of the occasions on which Navy carpenters have been specially commended by their Lordships for the able manner in which special and urgent repairs have been effected in connection with the stranding of the battleship "Howe" on the rocks at Ferrol and other warships.

(Answered by Mr. Edmund Robertson.)

As stated in reply to the Question of the hon. Member for Devonport on the 21st June last,† the passage in the Report referred to was an expression of opinion as to the probable result of changes in process of being carried out in the *personnel* of the fleet. No suggestion was made that the carpenter warrant officers had failed in their duty, but on the contrary it was well known to the members of the Committee that these officers are held in high esteem by commanding officers. No evidence was taken by the Committee on the subject. The Admiralty have not taken action on this part of the Report, and therefore it would be premature to make any statement as to arrangements which might have to be made at some future time.

Carpenter Warrant Officers' Pay.

MR. HAVELOCK WILSON: To ask the Secretary to the Admiralty whether he is aware that there is a number of carpenter warrant officers, many of whom are serving in first-class battleships and

cruisers, who receive about 1s. per day less than the mechanics in our Royal dockyards; and, if so, can he hold out any hopes that the pay of these warrant officers will in the near future be revised.

(Answered by Mr. Edmund Robertson.)

It is possible that some carpenter warrant officers may receive less pay than certain mechanics in the dockyards, but, as the hon. Member will understand, the pay of naval ranks and ratings cannot be compared with the pay of men employed on shore. The pay of the former is associated with free quarters and victuals, whereas in the latter case the pay as a general rule comprises the whole remuneration. No undertaking can be given as to a revision of the pay of these officers at the present time.

North Berwick Coast Defence.

MAJOR ANSTRUTHER-GRAY (St. Andrews Burghs): To ask the Secretary to the Admiralty whether the Admiralty have applied to the North Berwick Parish Council for a site for a look-out hut for coast defence and protection of shipping; and, if so, with what result.

(Answered by Mr. Edmund Robertson.)

The Admiralty have applied to the North Berwick Town Council for a site for a war signal station. The matter is still unsettled.

Beagling at the Royal Naval College.

MR. KEIR HARDIE (Merthyr Tydvil): To ask the Secretary to the Admiralty whether his Department received a memorial signed by, amongst others, twenty-eight head masters of schools, stating that, in the opinion of the memorialists, beagling is a demoralising form of sport for the young, and suggesting that a drag hunt should be substituted; and whether his Department will accede to the prayer of the memorialists at the Royal Naval College.

(Answered by Mr. Edmund Robertson.)

Such a memorial was recently addressed to and received by the First Lord of the Admiralty, who replied in the sense of the Answer given to the hon. Member in this House on 24th April last,‡ and stated that

† See 4) *Debates*, clix., 345.

‡ See (4) *Debates*, clv., 1393.

he was not prepared to depart from the decision then announced.

MR. KEIR HARDIE: To ask the Secretary to the Admiralty whether any part of the expenses incurred in the sport known as beagling at the Royal Naval College is paid for out of public funds; and whether parents of cadets are under any obligation to subscribe to the maintenance of this form of sport.

(Answered by Mr. Edmund Robertson.)

The wages of the kennel-man are paid, during the present financial year, out of funds voted by Parliament. After the 31st March next no part of the expenses of the beagles will be paid for out of public funds. A charge, not exceeding 10s. per term, is made to parents as a contribution to the general sports fund, from which money for the maintenance of the beagles is allocated by the captain.

Cycle Postmen.

MR. JAMES O'CONNOR (Wicklow, W.): To ask the Postmaster-General whether cycle postmen are expected to clean and attend to their cycles in their own time; and whether, in view of the diversity of practice, he will issue a circular defining what is meant by minor repairs, which, in addition to cleaning, have to be performed by postmen.

(Answered by Mr. Sydney Buxton.)

Cycle postmen are expected to clean and attend to their cycles in their own time, and a special allowance is made to them in respect of this work. The minor repairs a postman is expected to effect are those which an ordinary rider would do for his own machine. I do not think any precise definition is needed.

London Cabs and the Taximeter.

MR. ATHERLEY-JONES (Durham, N.W.): To ask the Secretary of State for the Home Department whether it is intended to sanction the use of a taximeter for motor or horse-drawn cabs in London which will register the fares in accordance with the existing regulations as to rates; and whether, on account of the difficulty of designing a taximeter which will register the inequalities of the existing cab tariff, he intends to give

effect to the recommendation of the Select Committee on Metropolitan Cabs and Omnibuses for the adoption of the taximeter by sanctioning a new scale of cab fares in which the inequalities referred to will be abolished.

(Answered by Mr. Secretary Gladstone.)

The Commissioner of Police has the whole question under his consideration, and I expect to receive a Report from him shortly. I can say nothing further at present.

Work for the London Unemployed.

MR. BROOKE (Tower Hamlets, Bow and Bromley): To ask the President of the Local Government Board whether the Central Unemployed Committee for London has initiated any schemes for dealing this winter with applicants for employment, who are eligible under the Unemployed Workmen's Act; whether he can state what those schemes are; how many of the unemployed have applied for work under them; how many who applied have been rejected as not complying with the conditions of the Act; and how many of those applicants who do comply with its conditions have received any employment at all.

(Answered by Mr. John Burns.) I understand that the Central (Unemployed) Body for London have been in communication with His Majesty's Office of Works, the London County Council, and the metropolitan borough councils, and it is hoped that from 1,500 to 2,000 of the unemployed will very soon be engaged upon works provided by these bodies. The Central Body are now employing some 530 men on work at the Garden City, on the farm colony at Hollesley Bay, and on making a sea-wall at Fambridge. They are also carrying on three workrooms for women, and 107 women are employed there. I am not able to state how many persons have applied to the distress committees for work since the registers were re-opened, or how many of such persons have been found to satisfy the prescribed requirements. I understand, however, that applications continue to be received by the distress committees, and that 500 persons have already been referred by them to the Central Body.

Delayed Appeals.

MR. HARMOOD-BANNER (Liverpool, Everton): To ask Mr. Attorney-General whether his attention has been called to the delay in obtaining a hearing of causes before the Court of Appeal, and to the fact that certain causes have been down now more than two years for hearing without any immediate probability of coming on; and whether any remedy for this delay has been considered and if it is proposed either to form an extra Court or appoint further Judges to obviate the difficulty.

(Answered by Sir Lawson Walton.) The delay has no doubt been considerable; but many of the cases which have stood over have been postponed at the request of the parties or for special reasons. An additional Court has been and will be organised, when practicable, to deal with arrears. No further remedy is possible without further legislation, in reference to which no decision has yet been arrived at.

Tobacco—Irish Roll.

MR. WILLIAM REDMOND (Clare, E.): To ask the President of the Board of Trade whether he is aware that tobacco manufactured in England is extensively sold in Ireland under the designation Irish roll; and whether, seeing that the term is calculated to deceive intending purchasers, some steps will be taken to confine the term to goods only made in Ireland.

(Answered by Mr. Kearley.) The attention of the Board of Trade has not been called to the practice referred to by my hon. friend; but, if he will place before me any information in his possession on the subject, I will see that the matter is carefully considered.

The "Midland Tribune."

MR. HAVILAND BURKE (King's County, Tullamore): To ask the Postmaster-General whether he is aware that the proprietors of the *Midland Tribune* newspaper, published in Birr, King's County, are subjected to annoyance and inconvenience by the fact that the London General Post Office authorities insist that the English translation of the title of a Gaelic supplement, *Dun na n Gaedheal*

published by them in connection with the *Midland Tribune*, must be printed at the head of each page; and whether he will take steps to prevent a recurrence of this interference with their publications.

(Answered by Mr. Sydney Buxton.) The newspaper in question, bearing an English title, but accompanied by a supplement with a Gaelic title only, was submitted for registration at the General Post Office under The Post Office Act, 1870. That Act requires the title of the newspaper to be printed at the top of every page of any supplement. It is necessary, therefore, if it is desired to register the newspaper and its supplement under the Act, that it should conform with the Law.

Crown Receiverships.

MR. HARMOOD BANNER: To ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, if he will state what steps are being taken to fill the position of Crown Receivers shortly to become vacant on the termination of the notice given to the present Crown Receivers; what qualifications will be required for the position; and what remuneration will be paid to the next receivers.

(Answered by Sir Edward Strachey.) No decision has yet been arrived at.

English County Councils and University Scholarships.

SIR THOMAS ESMONDE (Wexford, N.): To ask the President of the Board of Education if English county councils have power to establish University scholarships; and, if so, to what extent do they use that power.

(Answered by Mr. Birrell.) The answer to the first paragraph is in the affirmative. I understand that the power is exercised by many local education authorities, but I have no complete information in regard to the extent to which it is exercised. }

Scottish County Councils and University Scholarships.

SIR THOMAS ESMONDE: To ask the Secretary for Scotland if Scottish county councils have power to establish University scholarships; and, if so, to what extent is that power used by them.

(*Answered by Mr. Sinclair.*) The Scottish county councils have the power to establish University scholarships under The Local Taxation (Customs and Excise) Act, 1890, and the Education and Local Taxation Account (Scotland) Act, 1892. Two county councils and one burgh council have exercised this power to establish University scholarships, seven in all.

Wexford County Council and University Scholarships.

SIR THOMAS ESMONDE: To ask the Chief Secretary to the Lord Lieutenant of Ireland if he will give the reasons for the refusal of the Department of Agriculture to sanction the proposal of the county Wexford County Council to establish University scholarships for students from that county.

(*Answered by Mr. Bryce.*) The Department of Agriculture were advised by the Law Officers that expenditure for the purpose referred to in the Question is not permissible under the Technical Instruction Acts, 1889 and 1891, or under The Agriculture and Technical Instruction (Ireland) Act, 1899.

Kerry Potato Crop Failure.

MR. THOMAS O'DONNELL (Kerry, W.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he has received a resolution passed at a public meeting in Keel, county Kerry, dealing with the failure of the potato crop in that district; whether he has made inquiries into the matter; and, if so, whether he proposes to take any and, if so, what steps.

(*Answered by Mr. Bryce.*) I have received a copy of the resolution referred to in the Question. The Reports which I have received indicate that there has been a partial failure of the potato crop in the Keel district. I would refer the honourable Member to my Answer to the Question put by the hon. Member for East Mayo on the 5th instant,† when I fully stated the intentions of the Government in respect of the partial failure of the potato crop in Kerry and other counties.

† See (4) *Debates*, clxvi, 941-3.

Instruction in Irish in Irish Schools.

MR. THOMAS O'DONNELL: To ask the Chief Secretary to the Lord Lieutenant of Ireland whether, in view of the number of subjects specified by the Commissioners to be taught in Irish national schools, managers will be permitted, in districts where Irish is spoken, to substitute Irish for object lessons and physical drill; whether the Board has directed its inspectors to refuse such authority to managers; and, if so, will he say why this has been done, in view of Rule 119d.

(*Answered by Mr. Bryce.*) The Commissioners of National Education inform me that in districts in which Irish is spoken they sanction the bilingual programme in all suitable cases, and do not regard this programme as over-weighted. The Commissioners are unable to consent to the omission of object lessons and physical drill, which they consider to be of the first importance in connection with education in elementary schools. They inform me that they have given no special instructions to their inspectors on the subject. Rule 119 (d) provides that managers may with the approval of the Commissioners arrange school programmes. The Commissioners do not approve of programmes from which object lessons and drill are omitted.

Newfoundland.

MR. F. E. SMITH (Liverpool, Walton): To ask the Under-Secretary of State for the Colonies, whether the Paper, No. 1 (1906), United States, contains all the correspondence which has taken place between His Majesty's Government, the Government of the Colony, and Mr. Root in reference to the Newfoundland fisheries between 12th October, 1905 and 8th October, 1906.

(*Answered by Mr. Churchill.*) The Paper is a complete record of what passed between His Majesty's Government and the United States Government, and between His Majesty's Government and the Colonial Government, on the subject of the *modus vivendi* up to the date of its conclusion. It does not set out, and does not purport to set out, the whole of the correspondence on the Newfoundland fisheries question. The documents

prefixed to the correspondence respecting the *modus vivendi* were included in order to show the general nature of the dispute with the United States Government. Mr. Root's Note of 12th October, 1905, was included because it was referred to in his Note of the 19th October, 1905.

Vaccine and Syphilis.

MR. LUPTON (Lincolnshire, Sleaford): To ask the President of the Local Government Board, if he is aware that the official examiner of vaccine lymph stated in evidence to the Royal Commission on Vaccination, in answer to Questions 4154 and 4164, that it was then impossible to ascertain by microscopic examination whether lymph contains the virus of syphilis or not; and if, since then, any practical means have been discovered by which the presence of syphilitic germs in vaccine matter can be ascertained; and whether he has any official information showing that the symptoms produced by inoculation with calf lymph are sometimes indistinguishable from those produced by syphilitic inoculation.

(Answered by Mr. John Burns.) I am aware of the evidence referred to. I am informed that since 1889, when the evidence was given, it has been claimed that the microbe of syphilis has been discovered. Whether or not it has been detected in vaccine lymph from the human subject I am unable to say; but, as my hon. friend is aware, humanised lymph is not now used for public vaccination in this country. Calves, as I understand, are insusceptible to inoculation with syphilis material.

Dockyard Joiners.

MR. ARTHUR LEE (Hampshire, Fareham): To ask the Secretary to the Admiralty, if he can state why the joiners employed in the Works Department of the Admiralty are paid at a lower rate than the joiners employed in other departments of the dockyards; and whether they can be placed upon an equal footing as regards pay and prospects.

(Answered by Mr. Edmund Robertson.) The rate of pay to joiners in the Works Department is governed by the rates paid in the building trade in the district, and it may be added that these men form a

different class from the ship joiners who are employed in the dockyards.

American Gooseberry Mildew in Worcestershire.

MR. BELLOC (Salford, S.): To ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether in view of the fact that outbreaks of a destructive epidemic fungus disease of gooseberries, viz., the American gooseberry-mildew have now occurred in Worcestershire, and that the Board of Agriculture have at present no power to deal with the prohibition or control of the importation of diseased gooseberry bushes, on which the disease has been introduced into this country, the Government will introduce this session a short amending Act to The Destructive Insects Act, 1877, in order to give the Board the necessary legislative powers to deal with the disease.

(Answered by Sir Edward Strachey.) Full inquiry is being made as to the necessity and practicability of legislation in the direction suggested by my hon. friend, but, until we are in possession of further information as to the characteristics and past history of the disease, and the nature and extent of the trade with which it is proposed to deal, it is not possible for us to enter into any definite undertaking on the subject. We fully appreciate, however, the importance of taking any action which may be decided upon as speedily as possible.

Land Sale Bonuses.

MR. GINNELL (Westmeath, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland, if he will furnish a list, made up to date, of persons to whom bonus has been paid under the Land Act of 1903, showing in respect of each the county in which the land sold is situate, the amount of bonus paid, the total, the number of years purchase paid by the purchasers, and, so far as can be ascertained or estimated, the aggregate amount of relief in addition to price and bonus gained by each vendor from payment of stamp duty, cost of publication of notices, cost of preparation and service of notices on public departments, cost of searches in registry of deeds, titles, and judgments, negotiation fees, deduction

of title, and other normal expenses incidental to sale to tenants under previous Purchase Acts, and from which these vendors have been relieved.

(*Answered by Mr. Bryce.*) The Land Commission inform me that the preparation of such a Return as is asked for in the Question would be a very lengthy and difficult task, involving the examination of each ledger account since the Act of 1903 came into operation, and that it would cause delay in the proper work of the Commissioners and their staff. Any estimates of the relief afforded by exemption from stamp duties and the other matters specified in the Question could only be mere approximations, and, in some instances, would be misleading. Under Section 48 of the Act the bonus is not payable in respect of all estates sold, and in some cases in which it is payable, it is only payable in respect of part of the purchase money. In these circumstances the Commissioners do not think it desirable to undertake the preparation of the Return. They add, however, that up to the present date a total sum of £13,892,706 has been advanced by the Estates Commissioners, and the total amount drawn for bonus in pursuance to the Orders of the Judicial Commissioners has been £1,373,739.

Disturbance at the Bushmills Presbyterian Church.

MR. GLENDINNING (Antrim, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland, if he is aware of the annoyances and threats towards various persons since the late election for having exercised their right of private judgment; whether he is aware that on Wednesday night, 28th November, the annual social meeting of the Bushmills Presbyterian Church was made a scene of disturbance; that a speaker was interrupted during his discourse, and that clergymen and their wives were hooted and threatened when leaving the lecture hall, and members of the congregation were stoned on their way home; whether he proposes to give police protection to these people, who have been attacked because they hold political views in opposition to the Conservative interest; and whether the Government will prosecute for the offences done on Wednesday

night, 28th November, in the presence of the police, as it is dangerous for any one to prosecute in his private capacity.

(*Answered by Mr. Bryce.*) I am informed by the police authorities that no complaint to the effect stated has been made to the local police. The police, however, are aware that at the meeting referred to one of the speakers was interrupted by a man who was under the influence of drink. This man was ejected from the room, and the police prevented him from returning. After the meeting a clergyman and several other persons were hooted at by some disorderly persons, and a few small stones were thrown at them. The police have issued summonses against six offenders, and the case was to be heard to-day. The police appear to have acted promptly in this matter, and the hon. Member may rest assured that all possible protection will be afforded to any persons who may need it, and that every effort will be made to secure to every one the free exercise of all civil rights.

Irish Teachers' Salaries.

MR. MURPHY (Kerry, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland, if his attention has been directed to the effect of placing the teachers who were in training colleges for a two-years course when the new salary rules issued by the Board of National Education in 1900 came into operation in the lowest grade provided by these rules, whereas, according to the rules in force prior to 1900, and which were chiefly instrumental in inducing those men and women to become teachers, their salaries would have been far more satisfactory; and, if so, has he used his influence with the Commissioners of National Education to make special provision for these teachers in the salary rules which at present are under consideration.

(*Answered by Mr. Bryce.*) I would refer the hon. Member to the very full reply which I gave, on the authority of the Commissioners of National Education, to the similar Question put by the hon. Member for South Cork on 19th June.† I would also refer him to my Answers on the same subject to the hon. Members for

† See (4) *Debates*, clix, 44.

Newry and South Belfast on 30th March and 11th April, respectively. † The Commissioners now inform me that they have nothing to add to those replies. The hon. Member will see that the Commissioners claim to have conserved the vested rights of all teachers and teachers in training, so far as it was possible to do so, and that all exceptional cases were specially considered and dealt with.

MR. MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland, if the Commissioners of National Education made application to the Treasury for a grant for the purpose of making the salaries of those teachers who were undergoing a two years course in the training colleges when the new rules of 1900 came into operation more in accordance with what they would have been did the old rules which induced those teachers to enter their profession still hold; and, if so, has the application been favourably considered, and if it has been rejected will he say on what grounds.

(*Answered by Mr. Bryce.*) It would be contrary to the established practice to give particulars of the correspondence which passes between Departments of the Government, but the hon. Member will gather from my reply to the preceding Question that no necessity arose for any communication in the present case, seeing that the Commissioners hold that they duly conserved existing rights.

Grant for Irish Primary Education.

MR. VINCENT KENNEDY (Cavan, W.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he has received a resolution from the Cavan Urban Council drawing attention to the fact that the grant for Irish primary education is less by £578,905 than the grant provided for Scotland; as the number of pupils in the two countries attending primary schools is practically the same, will he explain why there is such a difference in the treatment; and whether he will at once take steps to secure fair treatment in respect of the grant for primary education in Ireland.

(*Answered by Mr. Bryce.*) I have received the resolution in question. If the hon. Member will refer to the Answer which I gave on the 12th November to the Question put by the hon. Member for East Kerry, he will see that while the disparity between pupils and voted moneys is in favour of Scotland if the numbers of pupils on the books are taken into account, the disparity is in favour of Ireland when the numbers in average attendance are compared.

Shirley Estate, County Monaghan.

MR. McKEAN (Monaghan, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he is aware that eviction notices have recently been served on a number of tenants on the Shirley estate, Carrickmacross, county Monaghan; whether he is aware that negotiations for the purchase of their holdings by the tenants are proceeding; will he say whether the tenants on whom the notices of eviction have been served are willing to buy on terms fixed by the official inspector employed by the Estates Commissioners; whether he will disclose the main facts connected with the negotiations for sale and purchase as between Mr. Fottrell, who has carriage of the matter, on behalf of the trustees and the Estates Commissioners; whether he is aware that the trustees are trying to sell the estate in portions and on different terms; and whether, seeing that such a method of proceeding is contrary to the spirit of the Act of 1903, he will instruct the Estates Commissioners to refuse to advance the money necessary for such a piecemeal sale; whether he will ask the Estates Commissioners to use their powers to bring the matter to a successful conclusion on terms fair to both parties; and whether he will take such action as may be necessary to preserve the peace of the locality if the measures now threatened by the trustees are carried out.

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that they have no knowledge of the facts alleged in the Question. No proceedings for the sale of the Shirley estate have been instituted before the Commissioners, but they have received a communication from the tenants and are writing on the subject

† See (4) *Debates*, clv., 18, 1315.

to Messrs. Fottrell, solicitors, who, it is understood, act for the owner of the estate.

Keel Evicted Tenant.

MR. THOMAS O'DONNELL: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners have received an application for reinstatement in his former holding from W. O'Brien, of Ardeanaght, Keel, county Kerry; and, if so, what steps have been taken to arrange with the present occupant.

(Answered by Mr. Bryce.) The Estates Commissioners inform me that they have received the application in question, and have referred it to their inspector for inquiry and report.

QUESTIONS IN THE HOUSE.

Naval Gun Mountings.

MR. BELLAIRS (Lynn Regis): I beg to ask the Secretary to the Admiralty how many firms in the United Kingdom are able to make the gun mountings for the twelve-inch guns.

THE SECRETARY TO THE ADMIRALTY (Mr. EDMUND ROBERTSON, Dundee): Two, Sir.

Life Saving at Sea.

MAJOR SEELY (Liverpool, Abercromby): I beg to ask the Secretary to the Admiralty whether, in view of the consequences of any abandonment of the coastguard stations of Great Britain on a large scale, and especially the difficulty of maintaining the various organisations for the saving of life from shipwreck in the event of the coastguards being withdrawn, he will undertake that no further reductions or abandonments of stations shall be made until this House has had an opportunity of discussing the matter.

MR. GODFREY BARING (Isle of Wight): I beg also to ask the Secretary to the Admiralty whether, in view of the fact that the telephonic communications established round the coasts of the British Isles for the purpose of saving life from shipwreck are worked entirely, or almost entirely, by His Majesty's coastguard, and

that some portions of this system of coast communication have already been relinquished in consequence of the abandonment of certain coastguard stations, he can undertake that no further action shall be taken by the Admiralty in the direction of reduction of the coastguard until opportunity for discussion in this House has been given.

MR. EDMUND ROBERTSON: No further orders for closing of coastguard stations will be issued before the Estimates are introduced next year, as the whole subject is being considered by an Inter-departmental Committee.

MAJOR SEELY asked the right hon. Gentleman whether he was aware that there had been very serious inconvenience, especially on the coast of Northumberland, in carrying out the arrangements for saving life.

MR. EDMUND ROBERTSON said he would be glad if his hon. and gallant friend would let him have any information in his possession on the subject.

MR. GODFREY BARING inquired if during last year there were no fewer than 300 launches of the lifeboats made by the coastguard in cases of emergency.

*MR. SPEAKER: Notice should be given of such a Question.

Small-Arms Ammunition.

SIR FREDERICK BANBURY (City of London): I beg to ask the Secretary of State for War if, pending the provision of reliable ammunition and its shipment abroad, any of our stations abroad in the case of unforeseen hostilities would, at the present moment, have to depend on a limited war reserve of .303-inch small-arm ammunition, which, owing to its age or other causes, can no longer be regarded as reliable, and moreover is not packed in chargers.

THE FINANCIAL SECRETARY TO THE WAR OFFICE (Mr. BUCHANAN, Perthshire, E.): The war reserve of .303-inch small-arm ammunition abroad is in all cases maintained at the figure which is considered requisite to meet the military requirements of each station. As regards the reliability of this ammunition, I would refer the hon. Baronet to the reply the

Secretary of State gave him on the 6th instant.† Charger-packed ammunition is only required at stations where the troops have the short rifle; the issue of this kind of ammunition is proceeding *pari passu* with that of the short rifle.

Army Rations.

MR. HUNT (Shropshire, Ludlow): I beg to ask the Secretary of State for War if the War Office has given a contract to America to supply the British Army with about 10,000,000 lbs. of corned beef; and, if so, whether, after the recent disclosures of American meat packing methods, he will say what steps have been taken to avoid risk to the health of British soldiers by supplying them with food from this source.

MR. BUCHANAN: No contract has been placed for the quantity referred to. The balance of preserved meat due under a contract made in the early part of this year, namely, about 1,000,000 lbs., has yet to be delivered from America. An officer has been sent to America to watch the process of manufacture. Owing to the stringent regulations issued by the American Government which came into force on 1st October last, it is not anticipated that there will be the slightest risk to the health of soldiers by supplies of food from this source.

Indians in British Columbia.

MAJOR ANSTRUTHER-GRAY (St. Andrews Burghs): I beg to ask the Secretary of State for India whether his attention has been called to the condition of some of His Majesty's Indian subjects who have landed in British Columbia, and have neither food, shelter, nor suitable clothing to withstand the rigours of the winter, and cannot find employment; and whether he will take steps to discourage the immigration of Indian natives to Canada unless suitable work can be ensured for them, seeing that they are constitutionally unfit to stand the severity of the Canadian winter.

THE UNDER-SECRETARY OF STATE FOR INDIA (MR. JOHN ELLIS, Nottinghamshire, Rushcliffe): As stated yesterday, the Secretary of State's attention has been called to this matter, and he has asked the Government of India to

take steps to discourage further emigration to Canada.

Smallpox in India.

MR. LUPTON (Lincolnshire, Sleaford): I beg to ask the Secretary of State for India whether any system of registration of smallpox cases exists in India and any system of registration of vaccination from which it can be readily ascertained by investigators whether persons suffering from smallpox have been vaccinated or not.

MR. JOHN ELLIS: There is a system of registration of vaccinations performed throughout India. There is no such general system in respect of cases of smallpox, but there is a legal obligation to report cases occurring in most of the larger towns.

MR. LUPTON: Has the Royal Commission not been told that vaccination in this case is absolutely useless?

MR. JOHN ELLIS asked for notice of the Question.

Vaccination in Bombay.

MR. LUPTON: I beg to ask the Secretary of State for India whether he is aware that the Surgeon-General to the Government of Bombay, in his instructions to vaccinators, orders that vaccination shall be made with four crosses on each shoulder; that calves, lanced at every inch all over the body, are wheeled in a hand truck from station to station about the city of Bombay, so that children may be vaccinated direct from the calf; and that this system produces violent inflammation, which sometimes causes death; whether the lymph with which the calves are originally vaccinated comes from London; and whether these practices rule in other Presidencies in India.

MR. JOHN ELLIS: The Secretary of State has not seen the instructions referred to, and he has no report as to improper treatment of the calves employed. Fresh calf lymph is used in a large but decreasing number of the vaccinations performed in Bombay City, and the percentage of success in primary vaccinations with this lymph is very high indeed; no deaths from this cause have been reported. Glycerinated lymph has

† See (4) *Debates*, clxvi., 1170-71.

on some occasions been procured from England, and has been tried on calves with excellent results. In Bombay, as in other provinces of India, rapid progress has been made towards the substitution of preserved vaccine, prepared by means of chloroform, for the fresh lymph.

Manila Experiments.

MR. LUPTON: I beg to ask the Secretary of State for India if he has any official information to the effect that ten prisoners out of twenty-four inoculated with cholera virus for experimental purposes, in Manila, died, and that the experimenters explain that the virus was contaminated with bubonic plague; and whether any precautions have been taken in India to make sure that the virus used for vaccination in that dependency is free from bubonic plague germs; and, if so, will he describe them.

MR. JOHN ELLIS: The preserved vaccine, which is now used largely for vaccination in all parts of India, is prepared in a strictly scientific manner at special depots, and I am advised that the possibility of its contamination by plague in course of its preparation is excluded. In provinces where arm to arm vaccination is still practised, great care is taken in the selection of the persons from whom the lymph is taken.

Crown Agents.

MR. WALKER (Leicestershire, Melton): I beg to ask the Under-Secretary of State for the Colonies whether the Secretary of State will, in the exercise of his general control and supervision over the conduct of the business of the Crown Agents, consider whether greater efficiency would ensue if the present system, under which appointments to the staff of the Crown Agents' Office are made by nomination and without an examination of any kind, were replaced by a system under which candidates were required to enter for a competitive examination in open competition.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (MR. CHURCHILL, Manchester, N. W.): It is obviously desirable that appointments to Government services should be made either by competitive examination or by selection after standard ex-

amination. The Secretary of State will consider whether such a reform can be conveniently effected in the system of appointment to the staff of the Crown Agents' Office. But the questions connected with such a change are complex, and no decision can be taken upon them at present; and the Secretary of State must not be taken as admitting that there is any lack of efficiency.

Maintenance of the Crown Agents' Office.

MR. WALKER: I beg to ask the Under-Secretary of State for the Colonies whether, seeing that the funds available for the maintenance of the Crown Agents' Office are drawn in part from Protectorates which are largely financed by grants-in-aid from the Treasury, he will arrange that this House shall not again, until it has a practical and efficacious right of control, be asked to sanction expenditure which will go in part towards the maintenance of the Crown Agents' Office.

MR. CHURCHILL: The system under which the Crown Agents transact business provides for a complete audit of the accounts of grants-in-aid colonies by the Comptroller and Auditor-General as well as for the observance of all the checks by which the Secretary of State exercises control over the Crown Agents. If the House does not regard this control as practical and efficacious expression will no doubt be given to its opinion upon some convenient opportunity.

MR. WALKER: Can the hon. Gentleman quote any other cases where grants of public money are made without the corresponding right of control?

[No Answer was returned.]

Crown Agents and Railway Construction.

MR. WALKER: I beg to ask the Under-Secretary of State for the Colonies whether the consulting engineers to the Crown Agents have anything to gain by recommending the construction of railways; whether they, or their representatives, are employed and receive remuneration for their services in connection with the construction of railways which have been undertaken upon their recommendation; and, if so, what has been the amount of their remuneration from this source during the last ten years, how is it

assessed, and from what fund or funds has it been paid.

MR. CHURCHILL: The consulting engineers employed on behalf of the Crown Colony and Protectorate Governments advise only on such schemes as are referred for their advice by the Colonial Governments with the sanction of the Secretary of State. They do not recommend schemes in any other sense than that they state the merits or demerits of any project upon which they are called upon to advise, from an engineering point of view. Should the Secretary of State decide that any scheme shall be carried out, after the consulting engineers have advised, their further advice is, if advice is necessary, utilised in connection with its execution. The course followed is the ordinary practice whenever professional advice in any branch is sought either by Governments or by private individuals. How far it may be possible or expedient to furnish a Return of the nature desired requires further consideration.

Hindoos in British Columbia.

MAJOR ANSTRUTHER-GRAY: I beg to ask the Under-Secretary of State for the Colonies whether his attention has been called to the condition of the immigrant Hindoos who have landed in British Columbia, and have neither food, shelter, nor suitable clothing to withstand the rigours of the winter, and are without employment; and whether he will facilitate any steps taken to remedy the condition of these natives; and if he can state their numbers.

MR. CHURCHILL: I have nothing to add to the Answer which I gave yesterday to the Question of the hon. Member for the Montgomery Boroughs on this subject.

***MR. HAROLD COX (Preston):** Can the hon. Gentleman say who is responsible for enticing these Indians to go to so unsuitable a country?

MR. CHURCHILL: No, Sir.

MAJOR ANSTRUTHER-GRAY: How many are there of them?

MR. CHURCHILL: Two thousand. I think the Canadian Government are fully alive to the situation.

Witwatersrand Mines.

MR. FIENNES (Oxfordshire, Banbury): To ask the Under-Secretary of State for the Colonies whether thirty-six mines on the Witwatersrand employ about 53,000 Chinamen, 17,000 natives, 8,300 whites, and that, therefore, about 6,200 whites at least are directly dependent on the retention of Chinese labour, and will be thrown out of work when these Chinamen are repatriated.

MR. CHURCHILL: The official monthly statistics do not give the numbers employed on various mines, but I have no doubt my hon. friend's figures are substantially correct. The general bearing of the Chinese labour experiment upon the interests of white labour in the Transvaal is not a subject which can be conveniently dealt with in answer to a Question. The views of His Majesty's Government have often been explained; and I should be ready to repeat them if desired on any suitable occasion.

***MR. MACKARNES (Berkshire, Newbury)** asked if the Robinson Group might not employ a far larger number of white miners if they were allowed to recruit Kaffirs, and whether the very same mineowners referred to in the Question of the hon. Member for Banbury were not pressing the Portuguese authorities to refuse the Robinson Group facilities for recruiting Kaffirs?

MR. CHURCHILL said it was no doubt true that the Witwatersrand Native Labour Association and the Chamber of Mines did object to the increased facilities for recruiting native labour in Portuguese territory, which the Government believed would very probably result in supplying any deficiency in the labour supply to the mines which the absence of Chinese might create.

MR. MACKARNES asked whether it was not the fact that Mr. Robinson had surrendered his right to 3,000 Chinese coolies because he preferred to employ white men.

MR. CHURCHILL was understood to say that that was so, and that a beginning had already been made in spite of many delays with the employment of white labour on one of the Robinson mines.

Native Prisoners in Natal.

MR. MOLTEÑO (Dumfriesshire): I beg to ask the Under-Secretary of State for the Colonies whether, in regard to the rumoured negotiations for the removal of a body of native prisoners from Natal to the Transvaal, he can state under what law and by what authority it is possible to transport natives from Natal to the Transvaal; and, in the event of such natives being so transported, under what law and by what authority they can be detained in the latter Colony against their will; and whether, in previous cases, such as the detention of the Natal Native Chief Langolibalele in the Cape Colony, special legislation had to be resorted to to which the assent of the Crown was necessary.

MR. CHURCHILL: The necessary legislative authority is given by the Natal Act No. 15 of 1905, and the Transvaal Ordinance No. 36 of 1904. Special legislation was passed in the case of Langolibalele and in some other cases which, in view of the provisions of the above Ordinances, is not required in the present instance.

Cost of the Native Rising in Natal.

MR. ALDEN (Middlesex, Tottenham): I beg to ask the Under-Secretary of State for the Colonies if he will state the approximate cost of suppressing the native rising in Natal; and whether any portion whatever of that cost will be defrayed out of Imperial funds.

MR. CHURCHILL: The approximate cost is £700,000, all of which will be borne by Natal, not by Imperial, funds.

MR. HAROLD COX asked if this included the cost of the regiment at Pietermaritzburg.

MR. CHURCHILL said he understood the extra cost was, but he could not say that the ordinary annual cost was or ought to be charged against South Africa.

Tilonko.

MR. SWIFT MACNEILL (Donegal, S.): I beg to ask the Under-Secretary of State for the Colonies whether he is aware that the Natal Chief Tilonko was on the 30th July tried by a Court constituted of

military officers of a Colonial corps set up by the Governor of Natal and the Commandant of Militia under martial law on a charge of sedition, and was convicted and sentenced to ten years imprisonment with hard labour and to a fine of 500 head of cattle; whether he is aware that the persons constituting this Court were indemnified and the proceedings of the Court, which was held with closed doors, were rendered valid by anticipation by an Indemnity Act previously passed by the Parliament of Natal, which was itself dissolved before the trial began, and whether, having regard to the circumstances of the case, the unreliable character of the evidence for the prosecution, and the severity of the sentence which has now been endured by Tilonko for several months, the Secretary of State for the Colonies will consider the propriety of advising that in this case the prerogative of pardon may be exercised by the Crown.

MR. CHURCHILL: In this case the Governor acted on the advice of his responsible Ministers, and the Secretary of State does not think that he would be justified in over-ruling him in the exercise of the prerogative of mercy under such conditions.

MR. SWIFT MACNEILL asked whether, without over-ruling the discretion of the Governor, some representations would be made with regard to the prerogative of mercy.

MR. CHURCHILL said he would be very glad to see some modification of the sentence, but he could make no official statement.

MR. SWIFT MACNEILL thanked the hon. Gentleman for his sympathy, in which he hoped other chiefs sentenced with Tilonko would be included.

New Zealand Butter Industry.

MR. BOLAND (Kerry, S.): I beg to ask the Under-Secretary of State for the Colonies can he state what was the proportion of first-grade butter to the total exported when grading was first instituted in New Zealand, and what is the proportion in the present year according to the latest information; and can he state what is the difference in the price of

first-grade New Zealand butter now and that current when grading was instituted.

MR. CHURCHILL: Compulsory grading was instituted by the Dairy Industry Act of 1894. The first year for which full statistics are available is that ended 31st March, 1896, when the percentage of first-grade creamery butter was 93 per cent., while that for the year ended 31st March, 1906, was 97·85 per cent. In regard to the difference in price as between these years, no precise figures can be quoted as a guide, as values fluctuate from year to year according to the general state of the market irrespective of influences such as grading. It may be stated in general, however, that New Zealand butter, since the institution of grading, has attained a higher standard of value represented by many shillings per cwt.

MR. BOLAND: I hope the hon. Gentleman will convey the information to the Irish Department of Agriculture.

Cost of Grading New Zealand Butter.

MR. BOLAND: I beg to ask the Under-Secretary of State for the Colonies whether he can state what the cost is per hundredweight of grading butter in New Zealand; and what is the proportion borne by the producer and the New Zealand Government respectively.

MR. CHURCHILL: The cost of grading butter in New Zealand by the Government of that Colony is stated to be approximately 1½d. per cwt. The whole of such cost is borne by the Government. The figure named does not include the cost of cold storage and freezing at the grading depots at the ports of shipment. Practically the whole of such cold storage charges are now borne by the producer or shipper, and are considered as pertaining in greater degree to the business of oversea export than to the official grading system of the Colony.

MR. BOLAND: Can the hon. Gentleman give the total cost?

MR. CHURCHILL asked for notice of the Question.

Judicial Reforms in Macedonia.

*MR. CHARLES ROBERTS (Lincoln): I beg to ask the Secretary of State

for Foreign Affairs whether the proposed judicial reforms in Macedonia are to be prepared, presented to the Porte, and applied by Austria and Russia, to the exclusion of Great Britain and the other Powers.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (SIR EDWARD GREY, Northumberland, Berwick): No proposals for the introduction of judicial reforms in Macedonia have yet been put forward. Whenever a definite scheme is proposed, the question of the best method of applying it will be carefully considered by His Majesty's Government, who appreciate the importance which attaches to the Question.

The Congo International Conference.

MR. ALDEN: I beg to ask the Secretary of State for Foreign Affairs whether the United States Government have promised their full support to a plan for summoning an international conference to consider the situation in the Congo Free State; and whether His Majesty's Government will, in conjunction with the United States, take any steps in this direction.

SIR EDWARD GREY: The plan of summoning an international conference has not specifically been mentioned. But the United States Government have recently intimated their desire to contribute to the realisation of whatever reforms may be counselled by sentiments of humanity, and by the experience of past or present administration in the Congo State. As the hon. Member is no doubt aware, such an announcement is most cordially welcomed by His Majesty's Government. But, pending the decision to which Belgium may soon come, it is unnecessary to make any further statement at the moment.

Maderia—Portugese Concessions to a German Syndicate.

SIR W. EVANS GORDON (Tower Hamlets, Stepney): I beg to ask the Secretary of State for Foreign Affairs whether he is aware that a Bill is now before the Portuguese Cortes under which it is proposed to grant exclusive rights to a German syndicate to build hotels and sanatoria in the island of Madeira during a period of thirty years, to import furniture and material free of duty, and

to build and run casinos and gambling rooms in connection with the said hotels; whether he is aware that the import duties in Madeira average from 50 per cent. to 80 per cent. *ad valorem*; that the Portuguese Government has frequently promised equal treatment for British subjects with the subjects of other Powers; and, seeing that the granting of the exclusive rights and privileges above referred to would constitute a breach of these pledges, and expose British subjects long established in Madeira to ruinous competition and loss, whether His Majesty's Government will make such representations as seem necessary on the subject to the Portuguese Government.

SIR EDWARD GREY: According to the information in my possession, no Bill such as that alluded to by the hon. Member has yet been brought before the Portuguese Chamber. I am aware that the Portuguese import duties are high. His Majesty's Government have no reason to suppose that any legislation is contemplated which would be contrary to the satisfactory assurances which have already been received from the Portuguese Government with regard to the protection of British interests and property in the island of Madeira from unfair competition.

Income-Tax and the London County Council Tramway Profits.

MR. WATERLOW (Islington, N.): I beg to ask Mr. Chancellor of the Exchequer how much income-tax was paid by the London County Council on its tramway profits for the year 1905-6; and what was the amount of profit on those tramways on which tax was paid.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fife, E.): The information cannot be given without breach of the injunction to secrecy in respect of profits under Schedule D.

Windlesham Motor Fatality.

MR. CATHCART WASON (Orkney and Shetland): I beg to ask the Secretary of State for the Home Department if his attention has been called to the case of Lieutenant Paton, who was charged at Windsor on Saturday, 1st December, before the Berkshire magistrates, with the manslaughter of Mr. Hart, who died from injuries caused by a motor car

driven by the defendant at Windlesham, on 23rd October last, in which case several witnesses spoke to the car having been driven at a speed estimated at between forty and fifty miles an hour, and in which the magistrates, without calling on the defence, dismissed the charge; and whether in view of the evidence that the defendant was travelling beyond the statutory limit of twenty miles an hour, he will state if he proposes to take any further action to protect the lives of persons using the highway.

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): Yes, Sir. I have now had the opportunity of making inquiries into this case, and as the result I am consulting with the Director of Public Prosecutions as to whether further proceedings against the defendant should not be taken.

AN HON. MEMBER: Is it not the fact that Lieutenant Paton says that his car was not travelling twenty miles an hour?

*MR. GLADSTONE: The case is under consideration. I can make no statement.

Case of Jane Isabella Sharples.

MR. BOWLES (Lambeth, Norwood): I beg to ask the Secretary of State for the Home Department whether he is aware that Jane Isabella Sharples was sentenced at the City Police Court, Newcastle-on-Tyne, on 29th October, 1904, to be detained in a home until she was sixteen years of age, and that, although she attained that age on the 5th August last, she has not yet been released from the home at Chipping Norton, in Oxfordshire, to which she was sent, the officials of the home stating, in reply to the mother's protestations, that they intend to keep possession of the child until she is eighteen years old; and whether he will order the instant release of this child and cause immediate inquiry to be made into the conduct of the officials concerned.

*MR. GLADSTONE: This girl was found to be living with prostitutes. At the same time as she was committed her mother was, I am informed, sentenced to one month's imprisonment with hard

labour for keeping a disorderly house. The girl was not committed to an industrial school, but was dealt with under Section 9 (1) of the Prevention of Cruelty to Children Act, 1904, and I have no jurisdiction in the matter. As she is over sixteen she is a free agent. I have, however, communicated with the authorities of the home, and I am informed that she remains there entirely of her own free will and that the officials have not stated that they intend to keep her until she is eighteen.

MR. BOWLES: What was the order of the Court in this case?

*MR. GLADSTONE: I cannot say at the moment. I have given the hon. Member the facts, and I am not inclined to interfere in the case.

MR. STANLEY WILSON (Yorkshire, E.R., Holderness): Was not the order of the Court to hand the girl over to the Court missionary and not to send her to an industrial school?

*MR. SPEAKER: Notice should be given.

Unlawful Acts and Homicide.

MR. CATHCART WASON: I beg to ask the Secretary of State for the Home Department if he will endeavour to see that persons who, deliberately breaking the statutory law, happen to commit homicide, receive some punishment as a deterrent.

*MR. GLADSTONE: Anyone is liable to conviction who, as the result of an unlawful act, accidentally commits homicide; but it is for the magistrates to decide whether the evidence in any particular case is sufficient to warrant committal for trial; and if the accused is committed, it rests with the jury to decide whether he is guilty.

Motor Speeds—Blackpool Coroner's Ruling.

MR. CATHCART WASON: I beg to ask the Secretary of State for the Home Department if his attention has been directed to the direction of the coroner to the jury at Blackpool, with reference to Clause 9 of The Motor Act, 1903, which enacts that a person shall not under any circumstances drive a motor

car on a public highway at a speed exceeding twenty mile per hour, in stating to the jury that if it were done early in the morning when few people are stirring, or in a place which might be unfrequented, the act would be excusable if ordinary precaution were used, and that it did not matter the time of day, as that was only another way of saying when there was no traffic about; and what action he proposes to take with reference to this coroner.

*MR. GLADSTONE: I am informed by the coroner that the words quoted had reference to Section 1 of the Act (which relates to driving recklessly or at a speed dangerous to the public) and not to Section 9 which fixes a maximum rate of speed. The coroner did not say anything to imply that a car might be driven anywhere or under any circumstances at a speed exceeding twenty miles an hour. On the contrary, he expressly stated that the driver had no right to drive down the road where the accident occurred at a speed of twenty miles an hour.

Metropolitan Police Rate.

MR. REMNANT (Finsbury, Holborn): I beg to ask the Secretary of State for the Home Department what was the amount produced by the Metropolitan police rate for the years 1905 and 1906.

*MR. GLADSTONE: The sums received in the years 1905 and 1906 in respect of the proceeds of the police rate of 5d. in the £ levied on the parishes in the Metropolitan Police District were respectively £1,044,944 10s. 1d. and £1,077,548 15s. 8d.

Police Arrests.

MR. FIENNES: I beg to ask the Secretary of State for the Home Department if he will state what facilities are afforded by the police to a man arrested in a public street for any offence to obtain witnesses from the bystanders who have been present during the time of the alleged offence.

*MR. GLADSTONE: It is open to any bystander to proceed to the police station or police court in order to tender his testimony, and no obstacle would be placed in the way of the prisoner asking any bystander to do so. A person under

detention at a police station is afforded all possible facilities for communicating with his friends or his solicitor.

MR. LUPTON : Are we to understand that a man arrested will be allowed to ask bystanders for their names and addresses ?

* MR. GLADSTONE : I was asked a general Question and I have given the best answer I can.

MR. LUPTON : But a definite instruction from the Home Secretary might be useful.

Newspaper Descriptions of Crime.

MR. W. R. REA (Scarborough) : I beg to ask the Secretary of State for the Home Department whether his attention has been called to the growing practice amongst a certain section of the Press, of publishing articles minutely descriptive of the methods practised in certain forms of crime, such as coining and house-breaking ; whether he has official information showing that such articles are an incentive to imitation, and thus directly productive of an increase in the crime of the country ; and whether there are no means by which the abuse may be checked.

* MR. GLADSTONE : The attention of the Home Office has more than once been drawn by Judges and others to the mischief done by such articles as are mentioned in the Question. One of the worst of these articles was withdrawn from circulation some years ago, but the evil it did survives, and quite recently a case occurred where it had led to the commission of crime. I entirely concur with what my predecessor said in this House on 1st August, 1904 ; and, if necessity arises, I shall be prepared to ask the Director of Public Prosecutions to take action. If it is found that the law requires to be strengthened, I am confident that I should receive the support of the House in legislation for its amendment.

Naturalisation Fees.

MR. STUART WORTLEY (Sheffield, Hallam) : I beg to ask the Secretary of State for the Home Department whether his attention has been drawn to a letter written from the Colonial Office by the

hon. Member for North-west Manchester, advocating a reduction in the amount of the naturalisation fee at present charged as a condition upon which an alien resident in this country may obtain the privileges of British citizenship ; whether this letter was written with the Home Secretary's approval or knowledge ; whether the matter is one within the competence of the Colonial Office to decide ; and whether the Government intend to lower the fee.

* MR. GLADSTONE : Yes, Sir, my attention has been drawn to the letter referred to. The subject of it, as my right hon. friend knows, is under the jurisdiction of the Home Office, and it is one on which my hon. friend the Member for North-west Manchester is perfectly entitled to express his private opinion. The question as to whether or not the naturalisation fee should be lowered has not as yet been under my consideration. I may, however, observe that in considering applications for naturalisation I attach more importance to the careful inquiries which are made into the personal qualifications and fitness of the applicant than to the amount of the fee.

Constables in Charge of Police Stations.

MR. FIENNES : I beg to ask the Secretary of State for the Home Department whether he will state the rank and qualification of a constable in charge of a police station, and, if any, what instructions are given to him ; and what power is placed in his hands of retaining or dismissing a prisoner who is brought into the station.

* MR. GLADSTONE : The rank of the officer depends on the local circumstances. In all the more important stations he is an inspector ; in minor stations a sergeant. The qualifications of the officers appointed to this post are ascertained from their record of service, and tested by departmental examination. It would be impossible within the compass of a Question to discuss the powers of the station officer, and the instructions given him ; but I may refer the hon. Member specially to Section 69 of the Metropolitan Police Act, 1839, and to Section 38 of the Summary Jurisdiction Act, 1879.

Grants to Distress Committees.

MR. THORNE (West Ham, S.): I beg to ask the President of the Local Government Board if he will give the names of the various distress committees to which money has been granted, and the amount that has been granted to each of the said committees.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (MR. JOHN BURNS, Battersea): The total amount distributed in England and Wales out of the grant up to the present time is £29,450. I will send my hon. friend a statement as to the particulars of the payments.

Seizures of Diseased Pigs at Birmingham.

*MR. FFRENCH (Wexford, S.): I beg to ask the President of the Local Government Board whether he is aware that the value of pigs seized and destroyed weekly in Birmingham for tuberculosis has been estimated at £100, and that it has been admitted by the town clerk of Birmingham that the approximate value of pigs destroyed each week for the four weeks ending 17th November was £31 18s.; and whether he will take steps to have those dealers recompensed whose pigs have been destroyed in the interest of the public.

MR. JOHN BURNS: I am not aware of any authority for the estimate referred to, and its accuracy is denied by the town clerk on behalf of the town council. The approximate value given by the town clerk of the carcasses and portions condemned during each of the four weeks ending 17th November is as stated in the Question, but I am informed that the number of pigs slaughtered during this period is considerably above the average of the year. I have no authority to cause the dealers to be recompensed as suggested.

*MR. FFRENCH: Why are not the owners in Birmingham compensated as they are elsewhere—in Germany for instance? Is the right hon. Gentleman aware that many of the pigs slaughtered have passed the Government inspectors at the port of embarkation? What are the special qualifications of the Birmingham inspectors for the work?

*MR. JOHN BURNS: I have no doubt as to their qualifications. It would be quite possible for an animal inspected at the port of embarkation to develop disease subsequently.

MR. THORNE: What becomes of the condemned pigs?

MR. JOHN BURNS: I hope by means of the Bill I have before the House to ensure that no pigs are sold which are not fit for human consumption.

*MR. FFRENCH: Does the right hon. Gentleman deny the justice of compensating poor, dealing men, whose pigs have been seized and destroyed in the interest of the public?

[No Answer was returned.]

Motor 'Bus Skidding.

MR. ROSE (Cambridgeshire, Newmarket): I beg to ask the President of the Local Government Board whether he has received any communication from the Automobile Club of Great Britain and Ireland with reference to trials they propose inaugurating for ascertaining the most effective devices, in compliance with the regulations of the Local Government Board and the Commissioner of Police of the Metropolis, for preventing side-slip and skidding by motor omnibuses; and whether he can see his way to appoint a representative to watch the trials in the interests of the public.

MR. JOHN BURNS: I have received a communication to this effect, and have accepted the invitation to send an officer of the Local Government Board to watch the proceedings for testing the capacity of any devices that may be submitted for competition.

Hatherleigh Postmaster.

MR. WALROND (Devonshire, Tiverton): I beg to ask the Postmaster-General if his attention has been called to the fact that the post office at Hatherleigh, Devon, has recently been moved into a building occupied by a political club; that the postmaster is an official of the said club, and that there is direct communication between the premises of the club and the post office, and that the postmaster is authorised to

deal in liquor; and whether he will endeavour to find other premises for this post office.

THE POSTMASTER-GENERAL (Mr. SYDNEY BUXTON, Tower Hamlets, Poplar): This Question has necessitated local inquiry which is now being made. I will give the hon. Member an Answer as soon as possible.

Post Office Hampers.

MR. BOWLES: I beg to ask the Postmaster-General whether he is aware that, during the two years ending July, 1906, 80,000 new Post Office hampers, of the average value of £1 per hamper, were, at the instance of the Postal Department, burned by the contractors, who were paid £1 per 100 for destroying them; whether the only reason for destroying these hampers at the public expense was that the Department had decided to adopt another kind; and whether some of these hampers are still being burned by a South London firm of contractors who are being paid by the Post Office for destroying them.

MR. SYDNEY BUXTON: The hon. Member has been misinformed. The baskets to which he refers were not new, but upwards of eleven years old; the number destroyed was about 3,000 not 80,000. They were heavy baskets of an obsolete pattern; and as it was found that an economy would be effected by replacing them, even though not quite worn out, by a much lighter receptacle, it was decided after full consideration to withdraw them from use. If they had been sold they would have realised only a very low price; and as it was not considered desirable, being a Post Office pattern, that they should be used for ordinary purposes, there was no alternative but to destroy them.

Leeds High School Teachers.

MR. O'GRADY (Leeds, E.): I beg to ask the President of the Board of Education whether the case of Miss James, a pupil teacher studying at the Thoresby High School, Leeds, who applied for admission to the Ladies Training College, Cheltenham, and whose application was refused, has been submitted to him by the Leeds Education Authority for inquiry; whether such inquiry has been made; and, if so, with what results.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. BIRRELL, Bristol, S.): The Answer to the first paragraph is in the affirmative. Owing to present circumstances I have not yet had time to make inquiry into the case. The matter seems to me to be of such a nature as to necessitate a most careful inquiry and not merely cursory investigation. It is for this reason that I prefer to postpone my inquiry for a short time in order that it may be done thoroughly, and with full consideration of the somewhat wide issues of principle which it will of necessity raise in regard to our whole training college system. The hon. Member may rest assured that the case will not be let slip, and that my delay, so far from implying indifference to it, is on the contrary due to my serious concern in regard to the principles involved.

MR. O'GRADY: Shall I repeat the Question in a week's time?

MR. BIRRELL: The Education Office at the present moment is very heavily worked. I will communicate with the hon. Member at the earliest possible opportunity.

Education Grant.

MR. BUTCHER (Cambridge University): I beg to ask the President of the Board of Education whether he will issue a statement explaining the principles on which the £1,000,000 to be granted under the Education Bill is to be allocated to the education authorities.

MR. BIRRELL: I have nothing to add to the Answer I gave on this matter on 26th April and 9th July.† The latter reply also gave the reasons why we cannot at present come to any definite conclusion on the matter. I should perhaps add that the grant of £1,000,000 was made contingent upon the passing of the Government Education Bill.

Compulsory Sheep Dipping.

MR. LAURENCE HARDY (Kent, Ashford): I beg to ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether his attention has been called to the resolution recently passed by the National Sheep Breeders' Association,

† See (4) *Debates*, clvi., 28; clx., 493-4.

urging the Government to put into force at once an universal order throughout the whole of Great Britain for the compulsory dipping of sheep; whether he is aware that the outbreaks of sheep scab are now in excess of the outbreaks at the same season last year; and whether the Board will now proceed to carry into effect an universal sheep-dipping order in accordance with the wish of the main body of sheep breeders in the country.

SIR EDWARD STRACHEY (Somersetshire, S.): We have received the resolution referred to, but the proposals made would involve a system of penalties on the owner of diseased sheep. This would require legislation and the Board do not consider the necessity of such a measure has been established. It is true that the number of cases of the disease during the two weeks ended 1st December was greater than during the same period last year, but this temporary increase has not been maintained, and for the year as a whole the outbreaks have been reduced by nearly one-half. The Board are now considering the question of extending the requirement of compulsory dipping universally.

American Gooseberry Mildew.

MR. LAURENCE HARDY: I beg to ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether, in view of the danger to the fruit-growers of Great Britain in consequence of the outbreaks of American gooseberry mildew in this country, a danger admitted by the Board in the circular just issued by the Department, he will undertake at the earliest possible date to introduce legislation giving power to the Board, both to prohibit the importation of gooseberry bushes into Great Britain, and also to deal effectively within the country with infected stocks and insect pests, on the lines of the Destructive Insects Act, 1877.

SIR EDWARD STRACHEY: Full inquiry is being made as to the necessity and practicability of legislation in the direction suggested by the hon. Member, but until we are in possession of further information as to the characteristics and past history of the disease, and the nature and extent of the trade with which it is proposed to deal, it is not possible for us to enter into any definite

undertaking on the subject. We fully appreciate, however, the importance of taking any action which may be decided upon as speedily as possible.

Sheep Scab.

MR. ROSE: I beg to ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether he is aware of a number of recent cases of sheep scab in various districts in the south of England, which have been traced to sheep purchased at some of the larger sheep fairs; and whether, for the protection of purchasers, he can see his way to appoint an inspector at the principal sheep fairs in England.

SIR EDWARD STRACHEY: If my hon. friend would be good enough to give me rather more specific information as to the locality of the outbreaks to which he refers, the Board will be glad to cause full inquiry to be made into their origin. The administration of the orders relating to sheep scab rests, however, with the local authorities, and the appointment of an inspector to attend fairs would be a matter for their decision.

Castletownroche Train Service.

MR. WILLIAM ABRAHAM (Cork County, N.E.): I beg to ask the Secretary to the Board of Trade whether his attention has been called to the train service at Castletownroche, on the line of the Great Southern and Western Railway Company; if he is aware that no train stops at this station, in connection with any train north of Mallow, after 2.18 p.m.; that passengers leaving Dublin by any train later than 9.15 a.m. cannot reach Castletownroche the same night by rail; and if he will make representations upon the matter to the company concerned, in order that the requirements of the people of this and surrounding districts may be adequately provided for.

THE PARLIAMENTARY SECRETARY TO THE BOARD OF TRADE (MR. KEARLEY, Devonport): The Board of Trade have been in communication with the railway company concerned. They admit that the facts are as stated in regard to through trains, but state that further facilities for long distance passenger traffic could not be given

without extra expense which the amount of the traffic would not warrant. The company add that there is a good local service.

Humber Bank Floods.

SIR GEORGE DOUGHTY (Great Grimsby): I beg to ask the President of the Board of Trade whether his attention has been called to the breaches made by the gales of last winter in the Humber bank, thereby flooding the low lands of Kilnsea and Easington; whether he is aware that nothing has been done to repair these breaches and that the Treasury have repudiated their obligation after maintaining them for over fifty years; and what steps he proposes to take in the event of this winter's storm sweeping through the bank and affecting the navigable channels of the Humber, thereby causing silting and injury to the approaches to the city of Hull and the port of Grimsby, and also endangering the anchorage for shelter of His Majesty's Navy and the mercantile marine.

*MR. KEARLEY: The Board of Trade have received reports as to the damage done by the gales of last winter to the sea banks of Kilnsea and Easington Levels, whereby a considerable extent of low lands became flooded, and I understand that it is the case that the breaches in the banks have not since been repaired. These banks have always been maintained by the local Commission of Sewers at the expense of the owners of the lands requiring protection, and not by His Majesty's Government. The Board of Trade are advised that there is no reason to anticipate that the navigable depth of the Humber would be affected to any appreciable extent by the passage of water across the low lands in question.

MR. STANLEY WILSON asked if it were not the fact that every extra high tide of the sea sweeps through the breaches. Would the Government not reconsider their determination to refuse assistance for remaking the bank.

*MR. KEARLEY: The Board of Trade sent down an eminent engineer, and the Royal Commission on Sea Erosion has also taken evidence on the matter.

MR. STANLEY WILSON: But does the hon. Gentleman realise that before the Royal Commission can report the damage done may be irreparable?

*MR. KEARLEY: I have had many representations to that effect from the hon. Gentleman.

SIR GEORGE DOUGHTY: Have not the Government for fifty years maintained a portion of the bank?

*MR. KEARLEY: Yes, in connection with the Spurn lighthouse.

Butter Deliveries—Railway Delays.

MR. JOYCE (Limerick): I beg to ask the President of the Board of Trade whether his attention has been called to the case in which four kegs of butter consigned from Limerick to Messrs. White & Symon of Maldon on 6th November were not delivered until 19th November; and what action, if any, the Board of Trade proposes to take in the matter.

The hon. Member had given notice of the following Question also:— To ask the President of the Board of Trade whether his attention has been called to the case in which three boxes of butter were consigned to Morgan Hicks, Parth, South Wales, from Limerick on 26th November, and not delivered on 4th December; is he aware of the fact that those complaints in regard to Irish produce are general; and can he say what steps will be taken to insure punctual delivery.

*MR. KEARLEY: I will cause inquiry to be made into the matters referred to in these Questions, and will inform the hon. Member of the result.

Company Law.

MR. TOULMIN (Bury, Lancashire): I beg to ask the President of the Board of Trade if his attention has been called to the number of companies which do not comply with the statutory requirements as to the holding of annual meetings; and whether he is prepared to introduce legislation to secure the observance of the law.

*MR. KEARLEY: Yes, Sir, the question referred to has engaged the

attention of the Department and will be dealt with in the Companies Bill which my right hon. friend hopes to be able to introduce next session.

Spurn Breakwater.

SIR GEORGE DOUGHTY: I beg to ask Mr. Chancellor of the Exchequer whether the Treasury have repudiated their liability to maintain the Spurn Breakwater at the mouth of the Humber; whether he is aware that the breaches in the banks made by the storms of last winter near Kilnsea have been entirely neglected; will he say what has been the amount annually contributed for the purpose of maintaining the Spurn during the last twenty years; what is the acreage of land reclaimed from the Humber (including Sunk Island), and what is the annual amount of rent paid into the Exchequer from such land; and whether in the event of the Humber Conservancy being willing to accept the obligation of the Treasury respecting the maintenance of the Spurn, he will transfer to them the income arising from these lands, such money to be expended in maintaining the Spurn and the Humber generally.

MR. KEARLEY: I have been asked by my right hon. friend the Chancellor of the Exchequer to reply to the Question addressed to him by the hon. Member. The Treasury have neither repudiated nor admitted liability for the maintenance of the Spurn towards which a sum of £1,200 has been voted by Parliament for many years past. The area of land reclaimed at Sunk Island is estimated at about 5,000 acres. That reclamation has been effected partly by nature and to a great extent by works carried out at the expense of the Crown or its tenants. The gross rental of Crown property on Sunk Island is £10,000. The suggestion that such income should be transferred to the Humber Conservancy on their undertaking the maintenance of the Spurn cannot be entertained.

Clydebank Licences.

MR. BARNES (Glasgow, Blackfriars): I beg to ask the Secretary for Scotland whether his attention has been called to the circumstances under which six new licences were recently granted by the Clydebank Bench, several of the applicants already holding one or more licences; whether he is aware that no

vote was taken by the Bench when the licences were granted; and whether it is proposed to take any action in the matter.

THE SECRETARY FOR SCOTLAND (MR. SINCLAIR, Forfarshire): No information on the subject referred to by my hon. friend has reached me.

Appeals Against Summary Convictions in Ireland.

MR. SWIFT MACNEILL: I beg to ask Mr. Attorney-General for Ireland whether, in view of the fact that magistrates at petty sessions in Ireland are empowered to sentence to terms of imprisonment of not more than one month, on summary conviction, persons brought before them and that such sentences may be accompanied with hard labour; that from these sentences the prisoner has no power of appeal, and that an increase of sentence to admit of the lodging of appeal is not uncommonly refused by magistrates, and that such refusal has been frequently the subject of severe comment by County Court Judges and Judges of the High Court; and having regard to the fact that in England there is in every case a power of appeal from the decision of magistrates, and that the senior Member for London on the 17th May, 1887, when the Criminal Law and Procedure (Ireland) Bill was passing through Committee, gave a pledge, which was not observed, that in all cases under that Act there should be an appeal, he will consider the advisability, with a view of assimilating the English and Irish criminal law, of advising the Government to introduce a measure providing that in Ireland in all cases there should be a power of appeal from the decision of magistrates at petty session.

THE ATTORNEY-GENERAL FOR IRELAND (MR. CHERRY, Liverpool, Exchange): The right of appeal from an order of imprisonment by a Court of summary jurisdiction in Ireland is, as stated in the Question, confined to sentences exceeding one month in duration. Magistrates are sometimes asked by the persons convicted to increase lesser sentences with a view to allowing an appeal, and in some cases they have refused to do so. As the hon. Member is aware, during the course

of this session an Amendment to the Street Betting Bill was adopted by the House, extending this right of appeal in Ireland in the case of offences which will be created by that Bill if it becomes an Act. Personally, I see no objection to a more general extension of the right of appeal, and it is *prima facie* desirable to assimilate the criminal law in England and Ireland in this and in many other respects. These are matters, however, upon which I can give no pledge on behalf of the Government.

Irish Intermediate Education.

MR. CLANCY (Dublin County, N): I beg to ask Mr. Attorney-General for Ireland whether the programme of the Intermediate Education Board for Ireland for the period after 1907 is expressed to be the programme for any particular year or years; if not, for how long will such programme continue in force; and whether there will be power to alter it every year as may be found necessary.

MR. CHERRY: The programme of the Intermediate Education Board for Ireland for the period after 1907 is not expressed to be the programme for any particular year or years. It will continue in force until altered by the Commissioners. There is power to alter it at any time as may be found necessary.

Burns Hartopp Estate.

MR. BOLAND: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether any and, if so, what steps have been taken by the Estates Commissioners to secure the reinstatement of Patrick Sullivan, an evicted tenant on the Burns Hartopp estate, now living in Cahirciveen, whose case has been inquired into recently by one of their inspectors.

THE CHIEF SECRETARY FOR IRELAND (MR. BRYCE, Aberdeen, S.): The Estates Commissioners inform me that their inspector has recently inquired into and reported upon the application for reinstatement which was made by Patrick Sullivan, an evicted tenant from the Burns Hartopp estate. The Commissioners will take the inspector's report into consideration as soon as possible.

Swinford Potato Crop Failure.

MR. DILLON (Mayo, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been specially drawn to the condition of the people in the union of Swinford due to the failure of the potato crop in that union; and whether he will consider the desirability of placing a sum of money at the disposal of the Congested Districts Board for the purpose of carrying out drainage and other much needed works in that union during the coming spring.

MR. BRYCE: The Reports which I have received indicate that there has been a partial failure of the potato crop in the Swinford Union, but that other crops have been good, and that good prices for live stock prevail. It is not anticipated that any exceptional distress is likely to exist in the union for some time to come, but the condition of the people will continue to be carefully watched. The Congested Districts Board hold that they cannot undertake works for the relief of temporary or exceptional distress. Their power to execute improvement works is confined to estates which have been purchased by and vested in them. The Board are alive to the importance of carrying out any works they can carry out in the places and at the times most likely to be helpful for the relief of distress.

Dr. Bird's Bantry Estate.

MR. GILHOOLY (Cork County, W.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether Dr. R. Bird's estate at Kilerohane, Bantry, county Cork, was vested in the Congested Districts Board; and, if so, whether striping and rearrangement of holdings will be immediately carried out so as to enable the tenants to earn money and thereby prevent their suffering from the partial failure of the potato crop.

MR. BRYCE: I am informed that the estate in question was vested in the Congested Districts Board on 25th October last, and that the Board are now proceeding with improvement works on the estate.

Irish Agricultural Statistics.

MR. J. P. FARRELL (Longford, W.): I beg to ask the Chief Secretary to the

Lord-Lieutenant of Ireland whether he is aware that the enumeration of agricultural statistics in Ireland is deficient in that it does not contain tables of average and comparative prices of agricultural produce from different parts of the country; and will he direct that this omission be remedied next year.

MR. BRYCE: Information as to the average and comparative prices of agricultural produce in different parts of Ireland is published in the annual Returns of prices of crops, live stock, and other products, which is issued by the Department of Agriculture and presented to Parliament. The Department do not consider it desirable that this Return should be incorporated in the agricultural statistics.

Longford Rent Reductions.

MR. J. P. FARRELL: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether any representation has reached the Land Commission from county Longford farmers, on the subject of recent rent reductions in that county; whether he is aware that in nearly all the cases heard recently the highest reduction given did not exceed 15 per cent.; and can he undertake to make representations to the Commissioners upon this subject.

MR. BRYCE: The Land Commission inform me that they cannot find that any representations from county Longford farmers have reached them on the subject of recent rent reductions in that county. As I stated in reply to the hon. Member's Question yesterday, the Land Commission conceive that they ought not to discuss, in answer to Questions in this House, the result of judicial proceedings for the fixing of rent. If either of the parties to a particular case is dissatisfied with the decision, he has the right of appeal as provided by statute. I have no power to interfere with the procedure for rent fixing which Parliament has left to the Land Commission.

Cavan and Leitrim Railway—Flag Stations.

MR. THOMAS F. SMYTH (Leitrim, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he has received a copy of a resolution passed recently at a public meeting

held in Ballinamore, county Leitrim, protesting against the closing of four flag stations on the Cavan and Leitrim Light Railway to passenger and goods traffic; and, if so, will he say what action he proposes to take in the matter.

MR. BRYCE: I have received a copy of the resolution referred to, and have informed the chairman of the meeting that the Irish Government have no authority to interfere with the action of the Cavan and Leitrim Railway Company in the matter complained of, but that it appears to be open to the ratepayers, under Section 47 of the Cavan, Leitrim, and Roscommon Light Railways Order, 1884, to make representations to the Board of Trade in respect of any alleged default on the part of the railway company in the working of the line.

Labourers (Ireland) Act Inspectors.

MR. DOLAN (Leitrim, N.): I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland whether he will submit to this House the names of all persons who are candidates for inspectorships under The Labourers (Ireland) Act 1906, before any appointments are made.

MR. BRYCE: No, Sir; it would be an unprecedented and most inconvenient course to submit to this House the names of candidates for any offices in the gift of His Majesty's Government.

Mr. Young's Culdaff Estate.

MR. DOHERTY (Donegal, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that over 200 tenants on the estates of R. G. Young, Esq., Culdaff, county Donegal, signed agreements to purchase their holdings under the Land Act of 1903 in March, 1904; that the estate was inspected in August, 1904, and all the queries raised by the inspector satisfactorily discharged; whether, seeing that the tenants have since paid punctually interest at the rate of $3\frac{1}{2}$ per cent. on the purchase money, he will say what is the reason for the delay in vesting the holdings in the tenants, by which the amounts of the half-yearly payments would be reduced; whether the Commissioners have received letters from the tenants complaining of the delay; and, if so, why they have not replied to them.

*MR. BRYCE: The Estates Commissioners inform me that the estate in question was first inspected in August, 1904, but having regard to the fact that a considerable number of the tenants had refused to sign purchase agreements, and that part of the estate was congested, the Commissioners decided to deal with the estate in two portions, one of which was to be sold to the tenants by direct sale (Section 1) and the other to be sold to the Commissioners under Section 6. With the object of making an offer to the vendor for the latter portion, the Commissioners instructed another inspector to visit this portion of the property and also to report on certain holdings included in the direct sale which were described as judicial holdings. On consideration of the second report the Commissioners decided to visit the estate personally and suspend the completion of the sale until they should have an opportunity of doing so. Owing to the demands upon the time of the Commissioners, which made it difficult for them to leave Dublin, some time elapsed before this visit could be made. As a result of their visit the Commissioners have decided that a further report must be made before the advances applied for could be made. The inspector to whom the estate has been referred has met with an accident and will not be able to visit the estate until January, and until his Report has been received no further action can be taken. Letters have been received from several tenants on the estate and will be dealt with when the Commissioners have received the further Report.

Mr. George Hewson, J.P.

MR. DOLAN: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that Mr. George Hewson, J.P., estate agent, Dromahair, is a candidate for the position of inspector under The Labourers (Ireland) Act, 1906; and, seeing that the Local Government Board are aware that Mr. Hewson's appointment would be unpopular in the county of Leitrim, whether he will consider the advisability of appointing some other person.

MR. BRYCE: I have no information as to whether the gentleman named is likely to be a candidate.

Evicted Tenants in County Clare.

MR. WILLIAM REDMOND (Clare, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the inspectors of the Estates Commissioners have completed their investigation of the position of the evicted tenants in county Clare; and what steps are to be taken for their reinstatement into their holdings.

MR. BRYCE: The Estates Commissioners inform me that they have received 200 applications for reinstatement from evicted tenants in county Clare. The Commissioners have obtained reports from their inspectors on 156 of these cases. In thirty-four cases the prices which the Commissioners will be prepared to advance for the purchase of the holdings, which are in the owners' possession, have been communicated to the owners, and have been accepted in thirty of these cases. In fifty-one cases the Commissioners have decided, for various reasons, to take no action. In thirty-three cases the applications have been noted for consideration in connection with the distribution of any untenanted land which the Commissioners may acquire; and the remaining thirty-eight cases have yet to be ruled on by the Commissioners.

Radio-Telegraphic Convention.

SIR EDWARD SASSOON (Hythe): I beg to ask the Prime Minister whether he is now in a position to name a sitting for the purpose of a discussion on the Radio Telegraphic Convention.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): An opportunity will be given on Tuesday.

Cruel Sports.

MR. G. GREENWOOD (Peterborough): I beg to ask the Prime Minister if he is aware that, on 27th November last, a deer turned out to be hunted by the Berks and Bucks staghounds, after a run of some fifteen miles, got entangled in a barbed wire fence which it had attempted to jump, and while thus entangled was so severely bitten by the hounds and so seriously injured by the barbed wire that it subsequently died in a cart into which it had been lifted for the purpose of removing it; and if he is

aware that, on 4th December last, another deer was turned out by the same hunt in a maimed and injured condition, and after a short run was captured and carried on a gate to a neighbouring farm, where it was killed by order of the master of the hounds; and if he will introduce legislation at an early date to put down such so-called sport.

SIR H. CAMPBELL-BANNERMAN :
I am not aware whether the facts are as my hon. friend states, but if such cruelties are perpetrated and we can do anything to stop them I shall be very glad. I am against cruelty of any sort whether under the name of sport or otherwise.

Plural Voting Bill.

MR. ARTHUR HENDERSON (Durham, Barnard Castle): I beg to ask the Prime Minister whether, having regard to the rejection of the Plural Voting Bill in another place, the Government will introduce at an early date a measure to include one man one vote, adult suffrage, and the removal of all obstacles which prevent the legislative expression of the will of the people as declared through their duly-elected representatives.

SIR H. CAMPBELL-BANNERMAN :
I am afraid that I cannot make any announcement on this subject.

Spiritual Peers.

MR. FULLERTON (Cumberland, Egremont): I beg to ask the Prime Minister if he will give an opportunity during the present session of Parliament for considering a Motion affirming the desirability of relieving spiritual peers from attendance in Parliament.

SIR H. CAMPBELL-BANNERMAN :
I do not see any possible opportunity.

Swindon Magistrates.

MR. HUDSON (Newcastle-on-Tyne): I beg to ask the Prime Minister whether his attention has been called to the list of newly appointed magistrates for the borough of Swindon; whether he is aware that out of the published list of twenty-four appointments one only of that number represents labour, although five nominations were made from organised labour; and can he say what are the objections taken to labour men in the borough mentioned.

SIR H. CAMPBELL-BANNERMAN :
The Lord Chancellor informs me that he is under the impression that three representatives of labour are on the list of justices appointed for Swindon, but will inquire. Whether it is one or three no other labour names were sent to him direct, nor were any others recommended to him. The Lord Chancellor is prepared to receive and consider the names of labour representatives from any responsible quarter, but in order to prevent misunderstanding he suggests that the names be sent to him direct, accompanied by recommendations on which he can act, as in other cases.

MR. FLAVIN (Kerry, N.): Cannot the Irish Lord Chancellor act in the same direction?

SIR H. CAMPBELL-BANNERMAN :
The ways of Ireland are strange.

Scottish Prisons.

MR. WATT (Glasgow College): I beg to ask the Prime Minister whether he is aware that the sum of £33,800 is to be spent on a new prison in Scotland though there is large spare accommodation in Perth and other prisons; and whether, in the interests of frugality, he will consider the advisability of utilising this sum as an instalment towards new barracks for housing the Scots Greys.

SIR H. CAMPBELL-BANNERMAN :
I am aware that this sum is given as the estimated cost of the new prison at Greenock. It is the case that the accommodation in Perth prison is not fully occupied, but the constant removal of prisoners for considerable distances is attended with serious public inconvenience, and therefore this new accommodation is required. Let me add that I should think there can be no question in any circumstances of permanently housing the Scots Greys in Scotland. That regiment has only had ten turns of two years and under of service in Scotland during the last hundred years.

Orange River Colony.

***MR. BRIDGEMAN** (Shropshire, Oswestry): I beg to ask the Prime Minister if the Constitution of the Orange River Colony will be included in the discussion fixed for the 17th instant; and, if so, whether Papers will

be at once laid upon the Table giving full particulars of the proposed Constitution of that Colony.

SIR H. CAMPBELL-BANNERMAN : The general outline of the Orange River Colony Constitution will be announced to Parliament on Monday. No Papers will be laid at present.

MR. MACKARNES asked when the grant of the Constitution would actually be made.

SIR H. CAMPBELL-BANNERMAN : If any definite Answer can be given to that Question it will be given on Monday.

BUSINESS OF THE HOUSE.

MR. F. E. SMITH (Liverpool, Walton) : Does the Prime Minister propose to give an opportunity for discussing the Papers on Newfoundland ?

SIR H. CAMPBELL-BANNERMAN : I am afraid there is no chance of a discussion on them this session.

MR. AKERS-DOUGLAS (Kent, St. Augustine's) : Can the right hon. Gentleman say anything as to the business of next Wednesday ?

SIR H. CAMPBELL-BANNERMAN said Wednesday would be an opportunity, if Members desired to embrace it, for a discussion on the Army ; but, if he might tender friendly advice, he would say that the new session was not very far off, when a more complete discussion would be possible. After the several discussions were finished during the course of next week, they would take up the consideration of the Lords' Amendments to Bills and other business of that sort, of which there was plenty.

THE TIMES AND THE HOUSE.

MR. WEDGWOOD (Newcastle-under-Lyme) asked the Chairman of the Select Committee on Housing of the Working Classes whether his attention had been called to the premature publication in a newspaper of a summary of the Report of the Select Committee, why the Report was communicated to the Press before it

was circulated to the Members of the House, and whether he could give the House the names of the persons who contributed the summary to the Press.

*SIR J. DICKSON-POYNTER (Wiltshire, Chippenham) said, as Chairman of the Select Committee referred to, that he desired to say that he had noted with equal surprise, and even greater annoyance, the paragraphs in *The Times* of two days ago, and the additional paragraph in to-day's Political Column of that paper. Perhaps he might be permitted to say, in justification of himself, that in no way, either directly or indirectly, was he responsible for imparting this premature information to the paper. As the House might be aware, the Chairman of a Select Committee possessed no control over his colleagues in matters of discretion of this character, and any information that might be given by any member of the Committee of course lay solely in the discretion of that member, and the chairman, in his capacity, had no control. If a member of that Select Committee had given the information he could only express the opinion, which was largely shared in all quarters of the House, that such action was greatly to be deplored, and that every means should be taken to avoid the recurrence of it in future Select Committees. The House would realise that he was placed in a somewhat invidious position in being asked categorically to give certain answers to his hon. friend. They had been sitting on that Select Committee since the early days of the session, a very laborious and long task, and the chief feature which had characterised the Committee had been the harmony and good feeling among all the members. He had no desire to disturb that harmony by assuming, as it were, an inquisitorial position over his colleagues, over whom he really had no control in this matter. This was by no means the first experience of such leakages—it had become an almost constant practice ; and he was sure his statement would be borne out by other chairmen, that it was extremely injurious to the results and the impressions of the Report of a Committee that premature information in an emasculated and abridged form should appear in a paper before the publication of the Report. The hon. Member was proceeding to make a suggestion, when

*MR. SPEAKER said the reply of the hon. Member was somewhat exceeding the usual limits.

SIR J. DICKSON-POYNDER bowed to Mr. Speaker's ruling. He had wished very respectfully to indicate a way in which they might be able to prevent these leakages in future. He believed Members themselves were the chief offenders. He hoped that at an early date next session the Government would take steps which would ensure that these premature paragraphs did not appear in the Press.

MR. KEIR HARDIE (Merthyr Tydvil) asked the Prime Minister whether, in view of these frequent leakages, it would not be worth while to appoint a small Committee to consider and report on what steps might be taken to prevent their recurrence in future.

AN HON. MEMBER: Would it not be possible to prosecute the newspaper in question as a receiver of stolen goods?

MR. AUSTEN CHAMBERLAIN (Worcestershire, E.) asked the Prime Minister if he did not see his way at once to accede to the request of the hon. Member below the gangway, whether the Government would not, at any rate, take this matter into very serious consideration during the recess. The right hon. Gentleman would remember that Questions had already been addressed to him on these subjects. These leakages had been especially frequent of late, although complaints had been made in the House for many years past. He ventured to suggest that they were almost an infringement, certainly an abuse, of the privileges of the House which required serious consideration.

SIR H. CAMPBELL-BANNERMAN: I am quite alive to the importance of the matter. I do not know that it has got worse recently. My memory goes back a great number of years to a time when there was less soliciting in the immediate neighbourhood of the House, and Members were not assailed at every step by gentlemen whose object it is to screw out of them all the information they can. If Members are foolish enough to succumb to this species of terrorisation or

persuasion—I do not know which—these things will happen; but let us hope that Members, now that they have heard this little discussion, may button up the recesses of their minds against these encroachments. I will bear it in mind, and if any step can be taken to assist the promotion of better secrecy I shall be very glad to take it.

MR. SWIFT MACNEILL: I understand that you, Mr. Speaker, generally delegate to the Sergeant-at-Arms your power in reference to tickets for the Press Gallery. In the case of repeated instances of misconduct by a paper—and *The Times* has been the chief offender—if these instances of misconduct are repeated may I ask you whether you consider it, in your discretion, right to admit the agents of that paper to the courtesy of the Press Gallery? That would put an end to it at once.

*MR. SPEAKER: If there were any question of misconduct on the part of any paper admitted to the Press Gallery or Lobby I should at once take notice of it; but I am not in a position to say, when a paper is handed by an hon. Member of this House to a newspaper and then published by that newspaper, that any charge of misconduct can be made against the newspaper.

MR. SWIFT MACNEILL: With very great respect, Sir, I put this aspect of the case before you. These leakages have repeatedly been the subject of comment in this House; editors and proprietors know that they are violating Parliamentary etiquette and the rules of this House by it; and, if that is the case, would it not lie in your discretion not to give tickets to the papers whose proprietors and editors offend in this respect?

*MR. SPEAKER: The best way to stop a leakage is to fill up the hole.

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LAND VALUES TAXATION, &c. (SCOTLAND) BILL.

Reported, without Amendment, from the Select Committee, with Minutes of Evidence.

Special Report brought up, and read.

Report and Special Report to lie upon the Table, and to be printed. [No. 379.]

POST OFFICE SERVANTS.

Report from the Select Committee, with Minutes of Evidence, brought up, and read [Inquiry not completed].

Report to lie upon the Table and to be printed. [No. 380.]

HOUSE OF COMMONS (KITCHEN AND REFRESHMENT ROOMS).

Report from the Select Committee, brought up, and read.

Report to lie on the Table and to be printed. [No. 381.]

NEW BILL.

PROBATION OF OFFENDERS BILL.

"To permit the release of Offenders on Probation in certain cases," presented by Mr. Secretary Gladstone; to be read a second time upon Monday next, and to be printed. [Bill 369.]

WORKMEN'S COMPENSATION BILL.

[THIRD READING.]

Order for the Third Reading read.

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.) said in moving the Third Reading of this Bill he had again to thank the House for the support and the assistance he had received from all quarters, from all parties, and through all stages. The House would remember that the Bill was to consolidate, as well as to amend, the law. The fact that hon. Members had not taken advantage of this to discuss at length that part of the law which it was not proposed to change had justified the course taken by the result, and he hoped by this Bill they would all have learnt to deal less in legislation by reference in the future. This measure contained no new question of the first magnitude, but it did deal with difficult and important points in connection with labour. He gratefully acknowledged the valuable assistance he had received from his hon. and learned friend the Solicitor-General, and from his

hon. friend the Member for the Cleveland Division, to whom the excellent machinery to carry out the purpose of Clause 8 of the Bill was really due. The Government were also indebted to the hon. Member for Berwickshire for his pioneer labours upon this question and his long persevering efforts in bringing those labours to legislative fruit. He felt sure he was voicing the views of all Parties in the House when he expressed his regret at the inability of the right hon. Gentleman the Member for West Birmingham to take part in the debates on the great extension of the parent Act which the right hon. Gentleman himself brought in in 1897. It was not without a personal tremor that he had looked forward to the co-operation of the right hon. Gentleman in this House either in the way of criticism or in support of these proposals, and he thought the House had greatly suffered from the absence of the right hon. Gentleman, the cause of which they all deplored. He had no occasion to detain the House long upon this subject. The recent discussion extended over four days, during which all the leading points of the Bill were fully discussed. But there was one matter upon which he desired to say a few words. The House in its collective wisdom had shown an inveterate hostility to all the attempts of the Government to exempt from the operation of this Bill the small employers. Now practically all classes of persons under contract of service, whether the employment was dangerous or safe, were included in the purview of this Bill. While in 1897 6,000,000 of people were brought within the operation of the Act, and in 1900 1,000,000, there were now 6,000,000 in addition. This great extension did involve benefit—he hoped great benefit—but it also, naturally, involved some danger to which this House should not shut their eyes. A number of small employers would be brought under the operation of this Act, and it was to be hoped that they would be raised to a sense of the duty imposed upon them by it; to a sense of the necessity which lay upon them to insure against the liability to which they would be exposed in order to be in a position to meet it in compensating a workman who might be injured. Experience showed that a mass of these people would not insure whatever steps were taken, and

that experience was re-inforced by the opinion expressed in the Committee which considered this question. It was pointed out that 24 per cent. of those engaged in the building trades did not choose to insure, although the Act had been in operation for some six or seven years. If the Government required any pressure this knowledge and this information from the Committee would hasten their desire to deal with the whole subject of national insurance in relation to the law of employers' liability. But in the meanwhile they would do the best they could through Government agencies or otherwise to warn employers, great and small, throughout the country, of the risks they were under and also to tell the workpeople of this country what rights were given to them under this Act. In the coming session at an early date the Parliamentary Secretary to the Board of Trade would bring in a Bill to provide a test of the financial solvency of the insurance companies, which dealt with cases under employers' liability, so far as it could be provided in the time at their disposal, and, in that connection he desired to express the hope that small employers in particular would be specially on their guard against mushroom and insolvent companies. He wished to appeal through the House and to the Press throughout the country to give the fullest information in their power in regard to this Bill as soon as it passed into law, so that employers should realise their risks and the workmen their rights under it. He believed the provisions of the Bill would be helpful to masses of the people throughout the country, and in so far as they extended and improved the working of the Act of 1897 they would in no sense impair the good relations which existed between employer and employed, but would strengthen the foundations of the national industries by the free and general recognition of the claim to compensation on the part of those who unhappily were the victims of accident in the course of their daily toil.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Gladstone.*)

MR. AKERS-DOUGLAS (Kent, St. Augustine) said this was the final stage of a Bill which every section of the

Mr. Gladstone.

House had helped to pass. There had been no desire on the part of the Opposition to put any difficulties in the way of the Bill or to do anything else than make it a workable and good measure. He desired to associate himself with the remarks of the right hon. Gentleman in expressing regret at the absence of his right hon. friend the Member for West Birmingham, who had made this subject his own. The measure that his right hon. friend the Member for West Birmingham brought forward in 1897 marked a new era in the law of compensation, and no one could regret his absence on this occasion more than his colleagues on the Front Opposition Bench. He was glad to hear that the right hon. Gentleman proposed early next session to introduce a measure dealing with the question of the solvency of insurance companies. He had ventured on Report to point out the danger that existed with regard to the insurance companies designed by this Bill to pay the compensation. The small employers had not the same opportunities as the large employers of finding out whether a company was solvent. He recognised the Government's desire to fill that gap. They had shown already their interest in the subject by introducing a measure this year. That measure, which was withdrawn, might be taken as a token of the measure to be introduced next year, and all that he would ask of the right hon. Gentleman was that he would introduce it at an early date, so that it might become law when this Bill came into force next July. The experience of nine years working of the Act of 1897 had shown the necessity of an amending Bill, and he himself last year introduced such a Bill. The right hon. Gentleman had taken a bolder course in this Bill, and had consolidated the law. Although the Opposition approved of the principle of the Bill, there were certain points with regard to which they were not quite satisfied with the decision of the House. First of all, there was the reduction of the fourteen days to seven, the period that was to elapse after the accident before compensation was to be claimed. The House, he thought, had by its action in connection with this matter unnecessarily increased the cost of compensation, and placed a heavier burden on the employers, because the fourteen days were certainly a check

on the malingeringer. His experience at the Home Office was that no men were more anxious than hon. Members below the gangway to put an end to malingering, but by reducing the period they had taken away one of the securities against malingering. When preparing the Bill last year he consulted a large number of those who had knowledge of compensation cases, and their opinion was that a distinct period should elapse before compensation was given, and that they should not throw on the employer any expense not necessary to the work. Obviously one factor in wages was the expense of production, and if the cost of production was raised too high some part of it would be transferred from the employer to the workman. That was one point which he regretted had been altered in the Bill. On the introduction of the Bill in March he had expressed a doubt whether the seven days proposed by the Government would really please either the employer or workman. The former desired three days and the latter fourteen. However the right hon. Gentleman had struck the balance and the House had accepted it, and he trusted the result would be for the benefit of both the men and the masters, although he doubted whether they were not placing too heavy a burden on the shoulders of the employers. Again, he did not think this Bill could easily or properly be applied to seamen. He was still unconvinced as to the soundness of the policy of including seamen in this Bill, not that anyone in this House, and certainly not himself, desired to deprive seamen of the right to compensation, but he still thought the better way to have dealt with seamen was by an amendment of the Merchant Shipping Act, as recommended by the Committee. He did not think that the provisions and machinery of the Bill could easily or properly be applied to seamen. The prolonged absence of ships from home, and the frequent changes of the crew, which must in many cases prevent the production of evidence and the witnesses necessary to prove or disprove liability, would place great difficulty in the working of the Act. The recommendation of the Departmental Committee on this point weighed very strongly with the late Government when they deliberately omitted seamen with the view of including them in the Merchant Shipping Act. In regard to the

new proposals relating to industrial diseases, he was glad to see the hon. Member for Berwickshire back in his place. He was sure it had been a matter of very great regret to the hon. Gentleman that illness prevented him from being present during the Report stage of this Bill. He knew how keenly the hon. Gentleman had felt and pressed the necessity for legislation of this sort. He welcomed the new proposals with regard to industrial diseases, but there was one point he was not satisfied with and that was the deletion of the sub-section refusing compensation in case of a workman's wilful and persistent disobedience to special rules and regulations for his protection. He thought that if a workman persisted in breaking such rules he should not obtain compensation. It was well known that a large percentage of accidents which occurred in course of employment were due to sheer carelessness and disobedience to orders. He believed that if rules made by employers, which were known to, and conspicuously displayed before, workmen, were obeyed one fourth of these diseases would not be contracted. Rules in case of industrial diseases were more often evaded than rules made for protection against machinery. In the latter case, the workman had before him the danger of revolving machinery, which he could see in motion, and it conveyed to him the knowledge at once that it might cause death or mutilation. But in the other case the effect was more distant, and the workman did not take the same precautions. He persisted, notwithstanding the danger of lead poisoning, in eating with work-soiled hands, or in picking wool, which might lead to anthrax, without protecting his mouth. It was hard on the honest employer, who did all he could by rules to warn the employees of the danger they ran, that he should be liable for compensation. He wished to express regret that the Home Secretary had left the question of the old men an open one. He was aware that hon. Members below the gangway held that this proposal would not have the effect which he thought it would, namely, to make it harder for old men to obtain work. It was the opinion of the Departmental Committee that the effect of the Act of 1897 made it more difficult for old or infirm men to find employment,

because it was difficult to persuade the insurance companies to take the risks without charging a higher premium, and the result was that the employers preferred younger men, and older men found it more difficult to obtain employment. They were moving tentatively, and must move tentatively with regard to workmen's compensation, but this Bill was no doubt a great advance on, and carried forward, the Act of 1897. That Act for the first time gave to a workman, as an incidence of his employment, the right to obtain compensation for accidents received in the course of his work. But some day or other, some scheme of compulsory insurance would have to be devised, probably in the shape of State insurance. In the meantime he trusted this Act would work well, and though it placed in some cases too heavy a burden on the employer, he thought they all ought to agree to wish it God-speed, and hope it would shortly become law.

MR. H. J. TENNANT (Berwickshire) expressed his acknowledgments to the Home Secretary, and also to the right hon. Gentleman who had just sat down, for their observations respecting himself. He thought it was generally admitted throughout the House that this Bill was a distinct advance in the law of workmen's compensation, and as such he thanked the Home Secretary and congratulated him upon having now entered upon the last stage of the Bill. At the same time his remarks would be more in the nature of a criticism of the Bill than a pean of praise, although he prefaced those remarks by saying he felt very strongly that the Bill was an advance. There were two serious omissions in the Bill. The first was the omission of outworkers from the power of obtaining compensation. The other point related to dangerous trades. The exclusion of outworkers was to his mind a serious defect. He did not deny that there were difficulties. The objections raised by the Government were that the employer had no control over the outworkers or places in which they worked, and that it was difficult to say who was the person employing the outworker at the moment when injury to health arose or accident occurred. The question as to who was the employer was not a very serious difficulty, because the outworker

did not often take work from more than one employer or did not take work from another until he had finished the work of one employer. As to the objection that the employer had no control over the person who undertook work for him, he would ask what real control had the ordinary employer over the ordinary workman? Had the employer any real control over his employees in a factory or in a mine which might be miles from the place where the real control was situated? Where a man avoided control over the worker by deliberately electing to give out his work he ought to be made responsible for accident or illness, for he derived pecuniary advantage from giving out the work to people who were not within the Factory Acts. When the small laundries were excluded by the law an enormous number of employers broke up their laundries into small branches in order to escape the obligations of the law. There was a danger not only to the workmen but to the public in certain small workshops. Any old dilapidated workshop, for example, seemed to be regarded as good enough for brushmaking, and where the work was carried on in living-rooms the risk of anthrax was greatly increased. The risk which employers with factories would run under the Bill would very likely lead some to give up their factories and employ outworkers who would not get compensation if they contracted anthrax. He regretted the decision which the House arrived at in regard to his Amendment which was so ably moved by his hon. friend the Member for West Ham. He could not help thinking that decision was arrived at owing to a misunderstanding. When his hon. friend pointed out for instance that the manufacture of india-rubber was not included in the reference, the answer of the Government was that it had been included.

THE UNDER-SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. HERBERT SAMUEL, Yorkshire, Cleveland) said the reference was not limited to any particular trades.

MR. TENNANT said the hon. Gentleman stated distinctly that it was included in the reference. He thought it was an unfortunate slip and had considerable weight with the House. This trade was recommended a long time ago to be included in

the schedule of dangerous trades, but it was not included, and his right hon. friend the Home Secretary, in refutation of the argument of the hon. Member for West Ham, showed him a paper which he said contained all the things the Home Office had done in the last six or seven years, as if that were a refutation of the argument that these things had taken a long time.

*MR. GLADSTONE said he only referred to that to show what action the Home Office had taken when it was stated that practically nothing had been done.

MR. TENNANT said he had never taken the line that nothing had been done. He only said that what was recommended by the Committee had not been carried out. He regretted the decision of the House, because the workpeople engaged in trades outside the schedule would not be able to obtain compensation. He was sorry the two defects he had mentioned had been allowed to remain in the Bill. If wiser and less timorous counsels had prevailed with his right hon. friend, he would not have allowed these two defects to remain in the Bill.

*MR. GILL (Bolton) said he desired to support the Third Reading, because he believed the Bill was absolutely necessary. The existing law was of an altogether too restricted character, but that was not the case with regard to this Bill, which was a very extensive one. He thought, however, it was a pity that outworkers were left out of its operation. There were, he understood, a great number of difficulties connected with their inclusion, but he and his friends hoped that before very long some solution of those difficulties would be found. He liked the Bill because it removed so many anomalies with which workmen had been acquainted in the working of the present Act, especially in regard to the thirty feet limit, lending workmen, and loading outside of an employer's premises. The Bill contained very important provisions which would be welcomed by the working class. One of the most important was the basis upon which compensation should be assessed. Previously

if a man happened to be ill or off his work through slackness of trade he would not only have lost his wages, but have been penalised in the amount of compensation he would be entitled to receive. But he was pleased to know that under this Bill the workman would be entitled to get 50 per cent. of a full week's wages so long as it did not exceed £1. That would be very much welcomed by the working classes. There had been a great deal said about the question of dating back after the first fortnight, and also about the question of malingering. He thought the matter had been greatly exaggerated. There were 1,500 cases of accident in his own society and it was difficult for him to remember a single case among those of which he had charge of a person malingering. The great trade unions paid compensation as well as employers; that was a safeguard against malingering, and employers could be satisfied that their interests as well as those of trade unions would be looked after in that respect. The question of costs had been mentioned. He did not think that the cost was going to be so great as some people seemed to suppose. When the Compensation Act was passed in 1897 there were many gloomy prognostications as to the cost, but the fears then entertained had not been realised. An important provision in this Bill, which would be largely welcomed in Lancashire, was that in regard to the scale of compensation for young persons earning from 10s. to 20s. a week. They had been accustomed to receive only 50 per cent. of the average wage, and in many cases that had not been more than 5s. a week. It was now provided that it should be 100 per cent. so long as it did not exceed 10s. a week. A more important provision still was that in regard to permanent incapacity. He had known several sad cases where lads had been permanently disabled, and when they were able to earn 10s. a week they were without compensation for the future. That was on account of the provision in the Act that when the person who had been injured was able to earn a sum equal to his previous wages in another job the compensation was to be stopped. There was a valuable provision in this Bill which enabled the Judge to review the award to give

the injured person 50 per cent. of what probably he would have earned if he had not been injured. The provision in regard to the medical referee would remove much suspicion which had prevailed. When the medical referees were also the medical advisers of insurance companies, whether they acted justly or not it was impossible to remove from the minds of working men the suspicion that in the capacity of judges they were not acting fairly. Another important provision was that dealing with the principle of commutation. There had hitherto been no uniformity in the awards, and the Bill would have the effect of putting the work of ascertaining the amount payable for commutation on a more satisfactory basis. As to medical examinations, injured persons had been harassed very much indeed by too frequent examinations on behalf of insurance companies. He maintained that in this connection insurance companies should not be the arbiters of what was to be done. He had known cases in which workmen, in order to get rid of these harassing examinations, had accepted most inadequate commutation of the amount of their compensation. He was glad the Government had accepted the claim put forward by labour representatives that payment should be made to workmen suffering from industrial disease as well as to workmen suffering from accidents. Of course there were only a few of these diseases in the schedule, but he had confidence in the Home Secretary in this particular matter and believed that he would extend the provisions as soon as he could possibly do so and include other dangerous trades. He thought the Bill was a very satisfactory one. There were one or two points which might have been improved, but, taking the Bill as a whole, he looked upon it as one of the best pieces of industrial legislation ever passed, and he thought it would be taken in that way throughout the land. He thanked the Government for the sympathetic way they had listened to the views the Labour Members had put before them. He believed the Labour Members had done something to make the provisions of the Bill better than they were when first presented to the House.

*SIR CHARLES DILKE (Gloucestershire, Forest of Dean) agreed with the hon. Member for Bolton in expressing general approval of the Bill, and he congratulated the Home Secretary on the admirable manner in which he had conducted it though its various stages. The Bill had been greatly altered in many matters against the will of the Government, and they could not blame the Government for defects which they might foresee so far as it had been extended beyond the extent to which the Government themselves desired to push it. There was perhaps some haste shown in one matter with which he would not now deal at any length. It was a matter in which sudden action was taken. It was felt that what was said by the Attorney-General went further than the words which were put in the Bill. He thought that should be kept in view and that the words should be changed if there was any possibility of doing so. The hon. and learned Gentleman argued that persons who were substantially dependent should not be excluded in certain cases of obvious hardship. The particular words adopted were perhaps a little crude in form and did not extend to all those cases. He only now called attention publicly to the matter in the hope that it might be dealt with in a better manner than by the words adopted. As to the inclusion of industrial diseases as well as accidents in the Bill, he pointed out that the dangerous trades which had been scheduled employed only an infinitesimal portion of the workers of the country. It was conceded that the schedule did not cover all the diseases, but no procedure by schedule could deal with the major part of the suffering from industrial disease. He agreed with his hon. friend behind him, who had rendered great service in these matters, that the blot on the Bill was the conspicuous exclusion of outworkers. There was the great difficulty of compulsory insurance in connection with the extension of the Bill to workers in small shops and to domestic servants. When he referred to the French law in a recent debate, the Under-Secretary of State argued in reply that, in the case of small employers, servants could not get compensation without making the employers bankrupt. It had already been the case in regard to "small"

agriculture that either there was no compensation or the employers had become bankrupt. Cases of that kind had occurred in England. In Ireland the Compensation Act passed by the last Parliament had been absolutely a dead letter in regard to small agriculturists. When they introduced to the benefits of the Bill domestic servants and shop assistants without restriction they ought to face all the difficulties to which his right hon. friend alluded, and see that the law was not illusory. They ought to see that people did get compensation if they were entitled to it. His right hon. friend, he believed, was making inquiry as to the possible treatment of the outwork system, and he only hoped that if the Government saw their way to legislation, and if their insurance scheme was in working order, they would extend those principles to outworkers.

*MR. J. WILLIAMS (Glamorganshire, W.) said he would like to express his sincere appreciation of the manner in which the Bill had been handled by the Home Secretary. The Bill was a great improvement upon the existing law, and for that Labour representatives were very grateful. He hoped that the Third Reading would be allowed to pass without a division, and that the treatment of the Bill when sent up to the House of Lords would be such as to carry the approval of both groups of Labour Members and the Government. He did not propose to speak at length upon the Bill, because he believed that all that could be intelligibly said upon it had been said, and that the greatest intellect in the House at the present time could not find anything new to say about it. The Amendments that had been embodied had given great satisfaction to the large number of workmen in his constituency. He would not go into detail upon those Amendments, but he would say that he was very glad that payment of compensation where the incapacity for work was not less than two weeks was to be for and from the first week. There was another matter which this Bill put right, and that was the computation of the average earnings. An unlimited amount of money had been spent in litigation upon this matter, and he was very glad to find that this clause would meet the requirements

of the workmen of the country. The wilful misconduct clause was a great improvement on the existing law. He believed that under the existing law the employers and the insurance companies had greatly abused this clause and that the modification would be a means of avoiding a large amount of litigation. He was glad to find that the Government had extended the provisions of the Act to domestic servants. The principle underlying the present law had been lost sight of by right hon. and hon. Gentlemen opposite. That principle was to give compensation and not to prevent the giving of compensation. There was, in his opinion, a vital difference between awarding compensation and the principle of assessing the damages to be given. He hoped that the House of Lords would bear that difference in mind in dealing with the Bill. Good as the Bill was, they wanted another Bill which could be applied more generally and more closely to the economic conditions of the huge masses of the people constituting the labouring classes of this country.

MR. HUGH LAW (Donegal, W.) said that the Home Secretary in his opening speech told the House that this Bill practically covered all classes of workmen, whether employed in dangerous or non-dangerous trades. They all recognised fully and frankly the great advance made by the Bill over the existing Act, but the right hon. Gentleman had betrayed a little parental partiality towards his measure.

*MR. GLADSTONE: I was speaking in millions.

MR. HUGH LAW said that there was one class of people who had been left out of the Bill, the outworkers; and his fear was that in the course which the Government had taken they had done injustice to that class. His contention was that everything which Parliament did to tighten the obligations of the employers in factories drove the work out of the factories into the homes of the work people. He would quote one trade which had formerly been carried on in factories with hardly an outworker—he meant the

scouring of clay pipes. The Board of Trade lady inspector in a recent Report said that that trade was exceedingly injurious to the health of the girls employed, and that the only method of preventing the danger was the erection of large ventilating fans. Many of the best employers had erected these fans at large expense, but one employer who was asked to do so refused, and got rid of all his girls. If the conditions in the factories were made more stringent, and at the same time the conditions of the outworkers were not correspondingly tightened, the tendency would be to increase disease. He was glad that the Government had included anthrax in the scheduled diseases, but he would point out that a great deal of the handling of wool, hair, and bristles was carried on in the homes of the workpeople, and unless the obligations on the employer in factories in respect to ventilation and compensation were *pro tanto* applied to outworkers the danger of carrying on those dangerous processes in the home would be infinitely increased. As to accidents to domestic servants, it was said that these were very rare. He doubted that very much under modern conditions. He knew there was a difficulty of proof in the case of the outworker, because he was away from the immediate control of his employer; but because that class of employee would have a difficulty in establishing his claim was no reason why he should be deprived of the chance of doing so. He thought the balance of advantage was strongly in favour of throwing this liability on the employer, whether the workman was occupied in the factory or outside. He appealed to the Government to do something in this matter, but at all events he hoped they would take into very real and serious consideration the whole question of this class of labour, bearing in mind how much misery existed among this class in cases where accidents had occurred.

*MR. JOSEPH WALTON (Yorkshire, W.R., Barnsley) said, that taking as he did a very deep interest in the question under consideration by the House, and having more than once in the last Parliament introduced a Universal Workmen's Compensation Bill prepared by the

Mr. Hugh Law.

Parliamentary Committee of the Trades Union Congress, the Miners Federation and the Textile Workers Union, he felt that he must not allow this opportunity to pass without offering his warmest congratulations to his right hon. friend, the Home Secretary, the Solicitor-General and the Under-Secretary, on the enormous step in advance the Bill that was now being passed through one of its final stages would effect. It came very nearly to giving effect to the Bill he had had the honour to introduce, inasmuch as it would increase the number of those workers enjoying the benefit of workmen's compensation from 6,000,000 to 12,000,000. He felt sure that the 6,000,000 additional workers—men and women—to whom this measure did what was an act of justice in regard to this matter, would greatly appreciate their inclusion within the scope of the measure. He had had no sympathy or support whatever from the Tory majority in the House, when he had introduced his Bill, but he gathered from speeches made by Members of the same political Party now sitting in Opposition that he might regard them as repentant sinners. It was indeed a death-bed repentance when they rose the other night and proposed the inclusion of 2,000,000 of domestic servants within the scope of the Bill. He welcomed that inclusion, but it was so hastily adopted by the House that he hoped, now that they were included, it was clearly understood that in case of accident they were to receive not only half their wages, but half the cost of their board and lodging as well, in case they were deprived of that, as that formed the greatest part of their earnings. He cordially supported the Bill.

*MR. REES (Montgomery Boroughs) said he recognised the impatience of the House to get this Bill through. He hoped, however, he might be allowed to call attention to the case of the lascars. When he last referred to their case and upheld their claims the hon. Member for Stoke thought fit to place him under the ban of the Labour benches, not appreciating the fact that the lascar, though a brown brother, was a British subject, a tremendous trade unionist, and, indeed, in one sense, an employer of British labour in so far that whenever he worked he provided work for

the Briton who overlooked him. Thus it was wherever white and coloured labour met—and might this simple elementary fact one day dawn upon those who represented labour in and out of this House. The function of white labour was the supervision of coloured labour wherever the two colours met. He thought that when the dread sentence of excommunication had to be passed it was the Hon. Member for Merthyr Tydvil who tolled the bell, read the book and held the candle, and he wondered if that hon. Member appreciated the fashion in which his lieutenant wrote “Ego” over the first, and “et rex meus” over the second Labour Bench. He had supported this Bill right through, except that he did not follow the hon. Member for Thanet in his chivalrous campaign on behalf of the domestic servant, nor the hon. Member for North West Ham who represented secularism, socialism, and sentimentalism in their most attractive guises, or disguises in this House. No one, however, had spoken for his Indian friends. His right hon. friend would no doubt tell him that the Lascar was included in the benefits of Clause 7, and reading the definitions of “seaman” in the Act and in the Merchant Shipping Act of 1894 he agreed, but they had had spirited object-lessons of late to make them realise that the intentions of draughtsmen and framers of Bills were of little account in the Courts, and he should like either a positive pronouncement, or a promise of an Amendment in the Lords. Hon. Members would allow that seeing how many clients he had, and how greatly they were interested in the Bill, he had not taken long in putting their case, and it must be remembered that lascars had no such legislation to fall back upon in India at the other end of the voyage.

MR. JOHN O'CONNOR (Kildare, N.) said he wished to join those who had preceded him in giving his blessing to the Bill, and he thanked the right hon. Gentleman for having included the law on this subject within the corners of one Act. He was quite sure that it was a great advantage to those who had to put this Act into operation or to assist the Courts in its administration, to find all the provisions in

one statute, and not to be driven as they often were to many statutes in order to get the full meaning of the Act itself. He had also to thank the right hon. Gentleman and his colleagues for the readiness with which they had acceded to many suggestions made upstairs in Committee and upon the Report stage. No doubt some of the principles embodied in the Bill were not accepted at first by those who represented the Government, but when it was shown that a vast body of people were in favour of them the right hon. Gentleman and his colleagues, with graciousness and reasonableness, at once adopted them. He wished most heartily to echo the remarks of the Home Secretary with regard to the Press. The Press could help this Bill immensely by calling the attention of employers to their responsibilities and of workmen to their rights. There were a number of small organisations organised by men who had been working men themselves, or still were working men, which had for their object the bringing before the vast bulk of the people a knowledge of the law and placing before them a knowledge of the means of obtaining the compensation to which Parliament was giving them a right. He noticed that a certain section of the newspaper Press had been attacking these small organisations and had called for their prosecution. He knew that there were such things as champerty and maintenance, and that there was good ground for thinking that cause for these classes of actions had existed in the past, but he thought there was no justification for the attacks which had been made. It was never intended that the law in those matters should be put into force for the purpose of depriving vast multitudes of people of the benefits of the humane laws put upon the Statute-book, and he hoped the Solicitor-General would not put the law into operation against those small societies, which existed for the purpose of bringing to the knowledge of the people a series of laws made for their benefit. Those small societies had been dealt with very unfairly by a section of the newspaper Press, who had done absolutely nothing in the past to help the people for whose benefit this law was introduced. There was only one other point with regard to the machinery

for carrying out this law. The county courts had had their jurisdiction for cases at common law increased from £50 to £100. That had increased their business considerably. The scope of this Bill having been widened and vast numbers having been brought within its operation, there would inevitably be thrown on the county courts an amount of business which in all probability they would not be able to do. Had the right hon. Gentleman borne that fact in mind? Those who were associated with the operation of these Acts knew perfectly well that the county courts were overwhelmed with work. There would have to be some devolution which would enable the Judge to take up these cases in the morning and to throw upon the registrar more of that class of work which now wasted the time of the Court in the morning, the best time of the day. It was a fact that workmen attended at the Court with their witnesses and doctor and sat there all day only to come away at the end without their case having been reached. That would occur two, three, and four days running. He hoped that point would be considered. It could not be done in this Bill, but certainly something would have to be done to prevent the congestion of work, and the Government might consider whether they should not bring in some Amendment of the County Courts Act for that purpose. This Bill, in which he took great interest, was now going to another place. Although he had not got adopted all the Amendments he moved, he was successful with some, which would be found to be useful when the Bill came into operation. Others he had not succeeded in, but he was going to have another shot with them elsewhere. He was grateful for what he had been able to accomplish, and he joined with those who had preceded him in thanking the Government for this measure and the manner which they had carried it through. It was a useful piece of legislation which he hoped would bring security and relief to hundreds and thousands, he might even say millions of the workers of this country.

*MR. CHIOZZA MONEY (Paddington N.) said that, if the few words he had to say were directed to points of criticism and suggestion, he was sure that his right

Mr. John O'Connor.

hon. friend would believe that it was not because he did not fully appreciate the value of the Bill which had been so successfully piloted through the House. The first point he desired to raise was with regard to the definition of "workman." He particularly drew attention to the fact that not only was the outworker excluded from the provisions of this Bill, but also the casual worker under certain conditions. He had one instance in mind which would serve to illustrate his point. There was the case of the charwoman, who was employed in most cases in a domestic establishment, and he thought this Bill would not only be unjust to her, but also to the regularly employed domestic servant who would be in some danger of dismissal and whose place would be filled by the charwoman. With regard to the outworker, he had taken an active part in the organisation of the Sweating Exhibition which excited so much attention during the past summer. In connection with that work and other matters he had been frequently brought into contact with the outworker, the sweated worker. In a great number of instances it was not true that the outworker was working for more than one employer, and yet this appeared to be the chief argument for their exclusion. Not only with regard to this Bill but with all legislation they were often too much inclined to give attention to exceptional cases. It was as a rule the exaggerated attention given to exceptional cases that created more trouble and litigation than the inclusion of what was universal. He hoped that even at this, the eleventh hour, the right hon. Gentleman would include the outworker in the Bill. Another point to which he wished to draw attention was the case of the posthumous child, to which apparently no attention had been given. A case had recently come before Judge Bryn Roberts in which a woman had borne a child to her husband after his death. She brought an action against the insurance company for compensation and Judge Bryn Roberts had to decide the case against this poor woman because it could not be said that either the woman who had not been co-habiting with the man for some months or the child who was born

after his death was dependent upon him. The dependency of posthumous children had been entirely overlooked by the Legislature. Then there was that serious question which had been raised so eloquently on the Report Stage by his hon. friend the Member for North West Ham, the question of the diseased worker. The introduction of the principle of compensation in the case of industrial disease was perhaps the point upon which the Government could most congratulate themselves. It was here that we were taking the lead in the world instead of following the example of France and Germany in these labour matters. The right hon. Gentleman put into the schedule certain cases of disease which were known to belong to particular trades, and then set up a Departmental Committee to inquire into various diseases. When that Committee was assured that those diseases belonged to a particular trade they were to be added to the schedule. The scheme was a good one, for this reason, that in these scheduled cases when the workman was able to get from the certifying surgeon a certificate that the disease from which he suffered arose from the occupation he followed, his case for compensation must be disproved by the employer or compensation must be paid. He desired to retain that system of scheduling and he wanted his right hon. friend to continue the operation of that Committee. There remained a tremendous number of heart-rending cases. What was to be done with such cases? He suggested that the present schedule should be kept exactly as it was, and that at the end of the clause some such words as these should be introduced, "The provisions of this Act shall also apply to cases of disability arising from disease, the result of processes not mentioned in the third section of this Act, but in regard to such diseases the onus of proof that the incapacity arises through the employment shall lie with the workman." In other words, the cases of industrial disease or incapacity from industrial disease would be divided into two parts—one the scheduled cases (those in which the largest number of cases of disease arose) and the other the industrial diseases not included in the schedule, and as to these

the onus of proof would lie with the workman. If they put such a provision in the Bill they would confer by it compensation in more cases than they would through the scheduled trades, because the man who had his lungs choked by dust or filings could in the great majority of cases prove that the injury occurred through his employment, and the onus of proof rested with him. He thanked the Home Secretary for his Bill, and for the sympathy and skill with which he had put it through this House. The right hon. Gentleman had a right to pride himself upon the introduction of the principle of compensation for industrial diseases into the Bill, and he hoped he would complete his work by giving consideration to the point he had put before him.

*Mr. CARLILE (Hertfordshire, St. Albans) pointed out to the hon. Member for North Paddington that the posthumous child was provided for in the definition clause. The hon. Member for Barnsley rather twitted hon. Members on the Opposition side with what he called a death-bed repentance in regard to the domestic servant at the end of the discussion on the Bill. But if anyone came to a death-bed repentance on the subject it certainly was His Majesty's Government and not the Members of the Opposition. The Opposition were favourable to the Bill when introduced, and though Amendments and criticisms had been made their feeling towards the Bill was sympathetic and kindly. All they desired was that the measure should if possible be thoroughly discussed, and if they on that side could in any way contribute towards improving the measure, they were nothing loth to do so, and they heartily congratulated hon. Members in all parts of the House upon the measure as it now stood. They realised that a voluntary system on such a subject would be absolutely impossible, and while this measure brought compulsion upon employers he hoped it would not in any way interfere with or discourage the great voluntary efforts made from time to time by employers for the good of their workpeople. Undoubtedly a great burden must fall upon some one, and the employer was the best able to bear it, and to make provision for it. They

could not help feeling a great deal of sympathy with the small employers, who under the provisions of this Bill would have to bestir themselves. He hoped the workpeople would not show less concern in the friendly societies, but would increase, if possible, their industry and enterprise in connection with these most valuable societies, which were doing such grand work in the country. With reference to Clause 16, he feared employers would be called upon to take out two years policies, although he did not think that was the intention of the Government, but if a workman developed a disease which he had contracted in a previous employment, then the previous employer was liable under the Bill. If the provisions did not come into force until July, 1908, instead of July, 1907, so far as that was concerned such employers would have been protected. As it was they would have to take out policies of insurance for that liability covering the two years. A new departure in this Bill was made in respect of those whose relations to their parents were not on a legal basis. Their position had for the first time been legally recognised. Whilst they appreciated the dreadful handicap such children had in life, and approved that addition to the Bill, yet when it came to admitting claims by the parents he thought that was going too far. He was not sure that it would make for public morality. It would be impossible for a measure to be put on the Statute-book of this country without its containing some regrettable things, and to some that provision was regrettable. Another thing was that old persons and cripples who were very seriously handicapped in their fight for a living, had not had in this Bill the consideration they ought to have received. It would have been only reasonable if this Bill had allowed them to seek employment from employers who were relieved from the necessity of paying full compensation to them. Old men and cripples were far more exposed to accident than the able-bodied. By the exclusion of such a provision from this measure these persons would find it increasingly difficult to obtain employment, although many of them were quite skilled, industrious, and perfectly able to earn a good day's wage. The omission of such a pro-

vision would result in increasing numbers of these persons being thrown upon the rates instead of getting such employment as they were able to undertake. Apart from those considerations he congratulated the Government and the House upon the passing of a measure which would do much to lessen the sufferings and evils which would otherwise fall on the working people of this country.

*MR. HERBERT SAMUEL (Yorkshire, Cleveland) said it was necessarily a source of great gratification to the Government to remark the harmony which characterised this debate. When they heard the late Home Secretary wishing the Bill God-speed, the Chairman of the Parliamentary Committee of the Trade Union Congress describing the Bill as one of the best industrial measures that Parliament had ever passed, and the unanimous expression of satisfaction with which the House had received this measure, it could not but be a source of gratification to his right hon. friend the Home Secretary and those who had assisted him. There had been some gentle criticisms from the right hon. Gentleman opposite, in connection with the burden which would be thrown upon employers, but a point which had not yet been made was that, as against the small extra charge that the measure would throw on the employer, was to be reckoned the great benefit that would indirectly accrue to industry generally from any measure which helped to make more secure and stable the position of the workman. It was the insecurity of the workman's life that detracted largely from his capacity. Insecurity bred recklessness and insobriety. The fact ought to be borne in mind by this House that the more they safeguarded the workmen against the fear of destitution, whether from old age, from unemployment, or from incapacity due to accident, the more they raised his *status*, and the more they increased his value as a worker. A great part of this debate had turned upon the position of the outworker. For his part he regretted most deeply that it had not been found possible to bring the outworker within the scope of the Bill. The outworker, with his hard conditions, excessive hours, and wretched pay, was perhaps the most pathetic figure in the

whole industrial system. But the practical difficulties were insuperable. In the first place it was impossible to decide who was the employer, because, while a great majority of outworkers might, as had been said, work for one employer, still there was a minority who took in work from different employers. The vista of litigation which this fact opened up as to whose employment the outworker was in when an accident happened was obvious enough, and the question would often be incapable of proof one way or the other. Who was to say, if a man cut his hand or a woman scalded her arm, whether the accident happened in the course of the employment or in the ordinary culinary operations of the household? And how was the employer to insure the outworker? No practical suggestion had been made by any of the critics as to the manner in which these difficulties could be overcome. To have brought the outworker within the scope of this Bill would have given the Government the greatest gratification, but the difficulties were insuperable. As to the question of industrial diseases there ought not to be such a thing as industrial disease, but until by the operation of science and of law we had rid our industrial system of those maladies which attach to it, employers ought to recoup financially the workers for injuries which they suffered owing to these maladies. With regard to the complaint of the late Home Secretary, he might point out that in the case of disease being contracted owing to continued infraction of rules it would be open to the employer to plead that the injury was due to serious and wilful misconduct. The hon. Member for Berwickshire said that every industrial disease ought to have been brought into the schedule. That question was debated for some hours a few days ago, but his hon. friend was in error if he thought the House was misled into the conclusion they had adopted on that occasion by any observation which he made.

MR. H. J. TENNANT said the hon. Gentleman had misled his hon. friend the Member for North West Ham.

*MR. HERBERT SAMUEL said the reference of the Industrial Diseases

Committee was simply to inquire what diseases were suitable for inclusion in this Bill. They were not limited to any industry or trade. The hon. Member for North West Ham had asked whether they were investigating a particular disease due to the use of naphtha in indiarubber works, and he had answered that they were. His hon. friend had then said that it was not on the list of diseases which had been published, and he had replied that he thought it was. He had been mistaken in that, but the fact remained that the Committee had intended to inquire into that particular disease, among a large number of others. The list was a provisional list which was circulated among the trade unions and employers' associations, and it was circulated in order that those associations and trade unions might make suggestions as to other diseases which they thought ought to go into the schedule. On the question of diseases his hon. friend the Member for North Paddington had suggested that while there were certain diseases which were specific and should come within the scope of the Act the burden of disproof resting on the employer, there were many other diseases which were not so distinctly industrial, and in regard to which the burden of proof should be thrown on the workman.

*MR. CHIOZZA MONEY said his suggestion was that the second list of diseases should include all those which were not specific, and that in such cases the onus of proof should rest on the workman.

*MR. HERBERT SAMUEL said he understood his hon. friend's point. It was that there should be a list containing obvious trade diseases, and that the workman should be entitled to compensation unless the employer could prove that the disease was not due to his employment. With regard to other industrial diseases the hon. Member's suggestion was that the workman should only have the right to recover compensation if he could prove that any disease from which he suffered was due to his employment. His difficulty with regard to the latter proposal was that there were many complaints of which no one

could say whether they did or did not arise from the trade in which a person was engaged. In the case of an agricultural labourer, for example, it might be difficult to say whether rheumatism arose from exposure to weather or bad housing. In cases of that nature, and others which he had mentioned in the previous debate, if they tried to give effect to the proposal, there would be an infinite amount of litigation, and no Court would be able to decide with certainty whether the diseases arose from occupation or not. It was true that there were certain diseases which were in some degree trade diseases, and in regard to these it might be advisable to have a separate schedule and to give the workman the right to claim and recover compensation when he could show that the disease, although not always specific to the employment, was in his case due to that employment. From the beginning of the debates the Government had always regarded the schedule as provisional and had recognised that there were many diseases that ought to be added to it as soon as inquiry had decided their nature and the trades to which they specifically belonged. In reply to the hon. Member for Montgomery, lascars would be in the same position as British sailors. He did not think that the apprehension of the hon. Member for Kildare as to the increase of County Court litigation was justified. The litigation which had taken place under the previous Act would he hoped be lessened by this Bill on account of the simplification of the procedure, and on account of the provision for the settlement of medical questions outside the Courts by the medical referees. He congratulated the House on the passage of a Bill of precisely the kind which this new House of Commons desired to pass for the direct benefit of the poorer class—a Bill which without imposing any undue burden on any shoulders would bring relief—and at the moments when it was most needed—to tens of thousands of necessitous homes.

*MR. KEIR HARDIE (Merthyr Tydvil) said he was sorry that the hon. Gentleman had not held out more hope in regard to the inclusion of outworkers and an extension of the diseases clause of

the Bill. Nobody sought to minimise the difficulty of bringing outworkers in, but if the Home Secretary was willing some way would be found of overcoming that difficulty. The chief difficulty seemed to be to determine whether the accident arose out of the employment or from some other cause. If an accident were met with and the workman felt he had a claim why should he be barred from going to Court and taking the risk? In all probability both these questions would be raised in the House of Lords and serious effort made to remedy what were admitted to be the two defects in this otherwise excellent measure. His suggestion to the Government was that if those questions were raised in the House of Lords they should not only put no obstacle in the way of trying to find a solution to them, but should co-operate with those who were seeking to make the Bill even more perfect than it was when it left the House of Commons. He trusted too that the suggestion made with regard to the inclusion of workmen suffering from dangerous diseases other than those contained in the schedule if they proved that their incapacity was due to their employment, should also be favourably considered. He wished again to urge the Government to co-operate in the House of Lords with those who would seek to bring outworkers and workers suffering from diseases not included in the schedule within the scope of the Bill.

SIR CHARLES SCHWANN (Manchester, N.) suggested that means should be taken for publishing the provisions of this Bill among the workers in order that they might know the advantages they had. The hon. Gentleman had promised that the State offices would be used for advertising the Act. He suggested that a synopsis of the provisions of the Act should be exposed in every factory and workshop, and also that copies of the Act should be available for reference so that workers might know what the advantages were if an accident occurred. It had been said that trade union secretaries would point out the advantages to the members of the unions, but it should be remembered that a large number of workers did not belong to trade unions.

Mr. Herbert Samuel.

Mr. LUPTON (Lincolnshire, Sleaford) said it would add to the value of the Bill if employers who made especially good arrangements for the health of their workers could receive certificates which would, according to their classification, be regarded by insurance offices as justifying a reduction of insurance rates.

Mr. HARWOOD (Bolton) asked that when diseases were added to the schedule one should be put in for the benefit of Members of Parliament themselves. It arose from their occupation and might be called "brain rot." He admitted that it might be objected that if they had not already the germs of that disease they would not have come there at all.

Mr. T. F. RICHARDS (Wolverhampton, W.) drew the attention of the Home Secretary to diseases which affected operatives in the boot and shoe trade—blood poisoning from the stain used and consumption from the dust caused by the rapid machinery used in dealing with chemically tanned leather. In his judgment there was no provision in the Bill for the protection of the workmen in the shoemaking industry suffering from blood poisoning. He wished to emphasise the remarks of the hon. Member for North Paddington so far as dust was concerned. In the boot and shoe industry they were accustomed to work with machinery which moved with extraordinary velocity whereby the leather was ground. The result was that the air was laden with dust. It should be remembered that whereas formerly it took seven years to tan leather, it could now be tanned in as many weeks, and the men who worked with the leather suffered from consumption to such an extent that the deaths amongst them were 38 per 10,000 above the average of ordinary trades. The medical officers of health in Northampton and Leicester had reported in 1905 that the Government should take the diseases arising from leather working into consideration. He therefore hoped that the Government would endeavour to widen the schedule so as to include those particular diseases, whether the persons afflicted by them were factory hands or outworkers.

Question put, and agreed to.

Bill read the third time, and passed.

EDUCATION (PROVISION OF MEALS)
BILL.

As amended, considered.

SIR FREDERICK BANBURY (City of London) moved the rejection of Clause 1, because he thought that the result of the clause would be not to correct an evil which was supposed to exist, but to create a greater evil than the Bill was supposed to remedy. Moreover, he considered that the local education authority was not the proper authority to whom should be entrusted the carrying out of the measure if passed into law. Though there might be some foundation for the allegation that an evil existed, the evil had been greatly exaggerated; and he believed that it could be met by voluntary effort. He knew that that statement would not meet with the approval of the hon. Member for North Camberwell; but he thought he could prove his argument. If the Bill became law as it now stood it would take away from the parents all sense of responsibility for the care of their children, and would encourage improvident marriages. He pointed out that when the Bill came from the Select Committee only one meal was to be furnished, but it had been altered on the Report Stage to "meals." That was a proof that if it were once admitted on principle that the State should take care of the children in regard to meals, that principle would be extended. The safeguard introduced in another part of the Bill that the meals should be prepaid was altogether illusory. Free education having been conceded there would soon be a demand for free meals; and once a start was made on the road to provide free meals for other people's children it would weaken the love of parents for their children and their sense of parental responsibility. The result would be that the parents would have more money in their pocket; and human nature being what it was they would become thriftless and extravagant. The extra money would be spent on selfish pleasure. In fact, the Bill would be a direct encouragement to drink, and

the money which had been gained not from their own exertions, but provided by the ratepayers, would go rather to the public-house than in any other direction. Of course he acknowledged that in some cases there were individual parents who under certain circumstances were unable to provide sufficient food for their children; but it had to be remembered that up to the present time there had been a fair amount of voluntary money to provide for those cases. The Report of the Select Committee went far to prove that the absolute want of food was really in many cases non-existent. The Committee said that the inadequate feeding of children in some large towns had forced itself into the consideration of people interested, but the evil was more or less spasmodic, and that on a general review of the evidence they thought that the cause of the evils was due to the social condition of the parents of these children, the lack of employment, thriftlessness, and an absence of parental responsibility. That was borne out by the evidence of Mr. J. Parr and Mr. Joseph Brown. There was a general disposition in the House to regard the Poor Law guardians as not to be trusted, but in his opinion this Bill, if it became law, should be administered by the Poor Law guardians, who knew all the circumstances of each case, rather than the local education authority. He knew of cases in which people receiving £2 9s. 0d. were yet receiving this class of relief.

THE PARLIAMENTARY SECRETARY TO THE BOARD OF EDUCATION (Mr. LOUGH, Islington, W.) regretted to interrupt the right hon. Baronet, but wished to point out that no child would be fed under this clause.

SIR FREDERICK BANBURY said that if he was out of order no doubt the Speaker would stop him. There was one case which was disclosed in the course of inquiry which showed that one family, the head of which earned £4 18s. a week, were receiving food and assistance at the expense of the ratepayers or voluntary effort. Mr. John Scott, the headmaster of a London County Council school at Bethnal Green, was asked if he considered the under-feeding of children a serious evil, and he replied that it was very small

indeed. Altogether it was quite trivial. He said that after investigation by himself and others. There had been a great deal of exaggeration as to the evils which this Bill proposed to remedy. It was not the want of food which was to be blamed but the neglect of the parent to supply suitable food and to supply washing in regard to clothes, etc., and to take other steps which led to cleanliness. It was unnecessary that the State should give the care of a parent to these children. The local education authority had to furnish the building and the apparatus, but they knew nothing about cooking or the feeding of children or the management of a canteen. Moreover, the teachers themselves had many of them intimated that they did not wish to be associated with the supply or administration of food at all. Therefore the local education authority would have to supply food and administer these canteens themselves. Under these circumstances he regretted that the Poor Law authority was not substituted for the local education authority, because then some of the evils which he had indicated would not ensue; but even if the authority was the Poor Law board it would not remove his objection to the clause, because he believed the principle of it was wrong. In London alone the provision, the cooking, and the service of the food would come to over £1,500,000 a year [cries of "No"]. That was the estimate of Mr. Sheppard, the Chairman of the Education Committee of the London County Council, and hon. Members seemed to be innocent enough to anticipate that if the meals were provided the parents of children would not take full advantage of them. Hon. Members did not understand human nature. If there was a good thing going the parents would see that their children got it, and at least £1,500,000 would have to be spent and the ratepayers would have to pay it. He brought forward this objection, as he wished to raise his voice against what he regarded as pure and undiluted Socialism.

MR. BOWLES (Lambeth, Norwood) seconded, and said that this clause contained the principle of the whole Bill, and if it was knocked out there would very

Sir Frederick Banbury.

little of the Bill left; he regarded both the Bill and the clause as extremely dangerous. Of course if they had a hungry child that child had got to be fed, and everybody agreed that the proper person to feed it was the parent. All must agree that where the parent failed to feed his child and carry out his moral obligation a moral obligation was imposed upon relatives to step in and help. Such a state of things constantly happened. If that failed the next thing was that some charitable institution, of which there were many, should step in and help. If the child's parents did not do their duty and there were no relatives or neighbours to step in, then he agreed that public charity in one form or another must necessarily be called in, and the only question was the form in which it should be applied, not only in the interest of the child but in the interest of the parent and of the public generally. It was a question of principle, and it was because this clause proceeded upon no principle at all or upon a highly mischievous principle that he had no hesitation in saying that it ought not to be put on the Statute Book. No excuse could be made for such a parent. If a man could afford to feed his children and yet allowed them to run the streets and go to school hungry he was a monstrous scoundrel. If he was in a state of destitution and could not feed his children, then it would be not only his right but his bounden duty to apply to the relieving officer of the district, who was bound to see that immediate relief was given. A parent might not like to apply to the relieving officer, and that dislike was profoundly honourable to the parents. But although he respected a parent who desired to try every possible plan before seeking relief in that way, he still said that a man who, in order to avoid coming on the rates, deliberately connived at the starvation of his children, for that was what it meant, was a man for whom nothing could be said. Every genuine case of a starving child therefore meant a cruel and negligent parent, and if the hon. Gentleman in charge of the Bill intended to grapple with this question in a real and satisfactory manner, it was to the cruel and neglectful parent, and not to the ratepayers, that he must go. The whole case for this clause rested on the

assumption that, so long as it was proved that the child was underfed, the conduct of the parent was a secondary matter. That was a detestable and abominable theory. This clause was fundamentally a mischievous clause which would do much harm, and it was because he was persuaded of that, that he felt constrained to take up the time of the House on this Amendment. There was no provision in our law to deal with starvation, because no man need starve in this country. Every man who starved failed in his duty to the country. There was complete machinery to deal with cases of destitution, and if the machinery worked ill then it should be amended. But it had not been proved that it did work ill; therefore let that machinery be used and let them not use novel and unusual machinery which would lead to infinitely greater evils than it sought to cure. It was because he looked at this matter very seriously, and because he thought this proposal might be seriously extended; that it held out that sure and certain promise, not merely to relieve those that were destitute, but to set up, under the cloak of relieving that most pathetic figure the hungry child, nothing less than a vast system of the State feeding of the children of the country, that he would support the Amendment if it went to a division.

Amendment proposed to the Bill—

“In page 1, line 5, to leave out Clause 1.”
—(*Sir Frederick Banbury.*)

Question proposed, “That the words proposed to be left out, to the word ‘take,’ in line 6, stand part of the Bill.”

MR. LOUGH thought the hon. Baronet had unintentionally, misled the House as to the effect of the clause. The mover and seconder of its omission would readily admit that the great majority of the House did not agree with them. When this clause was read a second time the House unanimously agreed to the proposal and that there was an urgent need for the machinery that this clause provided. Under the clause no child could be fed at the cost of the taxpayers. All it did was to set up a different machinery. It was permissive in its operation, and no local authority need take advantage of it unless there was the necessity.

*SIR WILLIAM ANSON (Oxford University) deprecated his hon. friends going to a division on this clause. It effected, no doubt, a very great change in the Bill as it was read a second time, but he thought there was hardly a complete understanding as to the real meaning and value of the machinery provided. He took it they were agreed that a hungry child ought to be fed. Well the first person to feed it was the parent; if he failed then the voluntary agencies came in, and in the last resort there were the guardians of the poor. But in the meantime the child had to be fed. He entirely agreed with all that had been said as to the iniquity of the parent who could pay and would not, but it must be borne in mind that in the meantime the child must not go hungry. There was, it was true, certain machinery already existing, but the difficulty about the present voluntary agencies was that they were sporadic. They were scattered about and were not always in the right place at the right time. He wanted to bring these voluntary agencies and the local authorities, who could institute a system of medical inspection which ought to go hand in hand with a system of feeding, together. He wanted to bring these two sources of supply into harmonious working, so that they should avoid overlapping and ensure that the food should be given when and where it was wanted and not when and where it was not wanted. Where they did work together the system worked exceedingly well. There was no doubt that in some of these poor districts where parents gave their children money to buy food the children spent it on unwholesome food and acquired what doctors called a slum stomach—a taste for pickles, sweets, cigarettes, &c. By this provision such children could get wholesome food, and would also learn to behave at meals. Hungry and destitute children would also be fed. If the clause was properly worked a demand for public money would not arise, except for matters provided for in the clause. Voluntary agencies could provide a very considerable sum, and if there was local patriotism no doubt a local fund would be forthcoming. The number of children whose parents could not pay was comparatively small, so that there ought to be a considerable return to the societies. He felt very strongly the desirability of keeping the provision of food as far as possible

out of the hands of the local authorities. They had had quite enough of making the children, and the work in the schools, a counter in the political game, and he should be very sorry to see the question of their meals made a cry at municipal elections. Besides, a voluntary agency could do what a local authority could not. The unwholesome condition of the children did not arise so much from the want of meals as from eating unwholesome food, from insufficient fresh air in their living rooms, lack of cleanliness, and other causes. He was afraid the working classes were apt to think that most evils could be cured by legislation, the grant of public money, and the appointment of an inspector, but such things as he had mentioned could not be cured in this way. Legislation could not ensure that children were sent to bed in good time, that their rooms were properly ventilated or that attention was paid to cleanliness. This could only be done by those voluntary agencies which worked among the poor. It was the life of the poor, which needed improvement, and which could only be reached by means of voluntary agencies, and their association with the local authority would give point and emphasis to their work. In this way many of our well-to-do and comparatively unoccupied fellow-countrymen would be able to learn something of the life of their poorer neighbours to help poor families over their difficulties and improve the health of their homes.

*MR. BRIDGEMAN hoped his hon. friend would not press the Amendment to a division. The clause was by far the least objectionable in the Bill, and by itself, he thought, it would do an immense amount of good. There had been a great deal of evidence to show the large amount of indiscriminate charity there was in London, and the amount of harm it did. If it did nothing else, this clause would show, at any rate, how to organize that charity in a sensible way so as to make the money go as far as possible. His only objection to the clause was that it did not provide sufficient machinery. He believed it would be very much better if the local authority were given power to enforce upon school managers the duty of forming sub-committees who might also inquire into questions appertaining to the health of the children. He was sure that would

have been a simpler way, and he was sorry the committee was to be called a canteen committee and confined to work of this kind. He should not vote for the Amendment, but he felt that the clause might have been made more effective if it had been made an obligatory duty upon the managers to carry it out.

DR. MACNAMARA (Camberwell, N.) said the promoters of the Bill were very much obliged to the two hon. Gentlemen who had just spoken. There was no new principle in this clause. It was in existence in London and other large towns, although no doubt a keen auditor might bring the local authority to book for allowing buildings, furniture, and apparatus to be used. It was time hon. Members looked at the Bill and realised that not a farthing of public money could be spent in respect of the purchase of food under this clause. The whole thing was hedged round by safeguards against economic abuse, and when they came to the clause dealing with the recovery of the cost of meals he would do all he could to assist hon. Gentlemen. On this very clause, however, last week, after the late Parliamentary Secretary had accepted its principle, hon. Members opposite debated it for eight and a-half hours, and it was carried by 128 votes to seventeen. After all the inquiries held on this subject and the evidence taken, it was going rather far to take such a long discussion about that which well-informed Members agreed contained no new principle. Notwithstanding all this, sixteen and a-half hours had been spent, 220 speeches made, and fifteen divisions taken on the Bill in Committee. After the long debate upon this subject they might at any rate as soon as possible get to the two principles which were the only principles in this Bill, and which, of course, the House was entitled to debate at any length.

MR. HUNT (Shropshire, Ludlow) said there was nothing in the clause about necessitous children, and therefore he was afraid it would be possible to spend the ratepayers' money on children whose parents were well able to feed them. It ought to be made quite clear that the ratepayers' money should not be used in such circumstances.

SIR FRANCIS POWELL (Wigan) directed attention to the evidence of Mr. Shephard before the Select Committee to allay the alarm felt by some hon. Members as to the effect of the Bill. Mr. Shephard was asked—

“You estimate that you can meet the necessities of the children with an outlay of about £45,000?”

And the answer was—

“That is our estimate. Then we hope and expect that present charitable funds will be continued. There is about £10,000 a year being expended in this direction through various charities, and I should hope this would come off the £45,000.”

Therefore, the £1,500,000 with which the House was startled dwindled down on examination to £35,000 a year. Remarks had been made about parental responsibility. The Committee reported as follows—

“It has been often urged that the result of putting the duty on a public authority would undermine parental responsibility, but the Committee are forced to the conclusion that the present practice is by no means free from that danger.”

That was, he thought, a remarkable and a wise passage. He hoped contributions to charitable funds would continue, but by introducing a public authority the system was given a permanence, and he believed the public authority would watch carefully the action of parents in this matter. Alarmist statements had been made as to the effect this Bill would have, but the evidence could not have been carefully considered by those who made those statements. In deciding to feed her necessitous school children England was but following the example of all the other European nations.

Amendment negatived.

SIR FREDERICK BANBURY moved to leave out the words, “on which the authority are represented.” He did not think there was any need for these words, and he thought they might be detrimental, because if the object of the promoters of the Bill was really to encourage voluntary effort that would not be achieved by putting on the committee representatives of the local education authority. If it were thought wise that the local education authority should be connected with the committee, arrangements could be made to meet together and consult as to the steps to be taken.

MR. LANE-FOX (Yorks, W.R., Barkston Ash) seconded.

Amendment proposed to the Bill—

“In page 1, lines 9 and 10, to leave out the words, ‘on which the authority are represented.’”—(*Sir Frederick Banbury.*)

Question proposed, “That the words proposed to be left out stand part of the Bill.”

MR. LOUGH agreed that as much freedom as possible should be left to the local education authority in constituting these committees, but the hon. Baronet strained these words a little beyond their real meaning. The words in the clause were that the local education authority might associate with themselves any committee on which the authority were represented. In certain emergencies there might have to be an expenditure of public money, and as the work had to be carried on with great care, subject to the approval of the authorities, it was absolutely necessary that the authorities should be represented.

LORD BALCARRES (Lancashire, Chorley) said the hon. Gentleman had stated that there were certain cases in which that committee as constituted by section (a) would have to spend public money. Was that so?

MR. LOUGH: If Clause 3 is adopted.

LORD BALCARRES asked whether this committee, on which the local authority was to be represented, had no function besides that of actually selecting the food and paying the bill for it.

MR. LOUGH said this committee would have to do more than buy food. They would have to see that the work was properly carried on.

Amendment negatived.

MR. LANE-FOX moved an Amendment standing in the name of the hon. Member for the Tewkesbury Division to provide that the meals supplied to children should be prepaid. This, he said, was an Amendment of considerable substance and well worthy of consideration because it

was strongly supported by the Report of the Select Committee and also in the various documents placed before that Committee. A Report was furnished to the Select Committee by the hon. Member for Chippenham in which he said that 10,000 children in Rome attending the schools took advantage of a daily meal and everyone paid a halfpenny punctually on arrival. It must be obvious that the system of prepayment if possible was most satisfactory, because it insured in the first instance that they were dealing with the genuine cases which this Bill was intended to meet. Another excellent effect of the Amendment would be that it would distinctly draw a line which would indicate where pauper relief began in connection with this matter. That was a question which divided hon. Members in dealing with this subject. The objection felt to the giving of meals at the expense of the rates to the children of parents who were able to pay would be removed. Were the Government prepared to give some reason for disagreeing with what apparently was a unanimous recommendation of the Select Committee? The Committee went thoroughly into the matter, and their opinion was greater than any other that could be cited.

SIR FREDERICK BANBURY seconded the Amendment. The only objection he could possibly see to it was that prepayment could not always be obtained if a child was waiting for a meal. That was not a sound objection, because there was a provision later in the Bill which met the case of necessitous children. It was evident that unless prepayment was got, the chances of recovering the money would be very small indeed. It would make the local education authority unpopular, and considerable expense would be entailed in recovering the money if the parents refused to pay. If the Amendment were adopted, all the legal machinery which would be required to recover the money would be avoided. A child might be supplied with meals contrary to the desire of the parent, who might be called upon to pay, although he had been absolutely ignorant of his child having had the food. He saw no good reason why the Amendment should not be accepted, provided that hon. Gentlemen opposite desired that the wicked parent should pay and that he should not be allowed to escape his parental obligations with impunity.

Amendment proposed to the Bill—

“In page 1, line 20, after the word “charged” to insert the words “by prepayment.”—(*Mr. Lane-Fox.*)

Question proposed, “That those words be there inserted in the Bill.”

MR. LOUGH said it was quite unnecessary for the mover and seconder of the Amendment to say a word in favour of prepayment. Anyone who was engaged in business preferred prepayment. The canteen committees would have to be worked in a business way, and nothing could be so desirable as to secure prepayment in every case. The hon. Member would ask why, while agreeing with him on that principle, he could not accept the Amendment. He would give a perfectly sound reason. A great many of the Amendments on the Paper sprang from the idea that they were setting up canteen committees. That was not what they were doing. They were laying down the constitution for the representative bodies who would afterwards have to make another constitution for the canteen committees who would carry out the work. They could not say in the Bill that there ought to be prepayment for meals, because there must be cases in which it would be impossible to observe that rule, however good it might be, if it were practicable. Reference had been made to the case of Rome. There was provision in the system adopted in Rome for dealing with hard cases. Although they accepted the principle of repayment they felt that the clause should be drawn so as to leave a wide discretion to the local authority.

SIR FRANCIS POWELL said that in Rome according to the Report laid on the Table of the House, if a child came to school obviously in want of food, the education authority bought a ticket from the feeding committee and gave the child a meal, making certain inquiries afterwards into the reasons why the parents had failed to provide the child with food. That system worked effectively in practice, and the children obtaining a meal without payment did not average more than 3 per cent. of those coming from the poorest districts. He need not say that he was glad the Government were following so good an example. In France there was what was known as the system of can-

teens where the children received meals. The children brought a ticket, which was paid for sometimes by the parent, and sometimes by a charitable institution, but no one knew who had paid for the ticket.

LORD BALCARRES said he could not agree with his hon. friends in regard to the policy of the Government as to prepayment. The Parliamentary Secretary to the Board of Education said that prepayment was eminently desirable, but that he did not want to put it into the Bill because it would interfere with the discretion of the local education authority. The Parliamentary Secretary had refused the Amendment on purely administrative grounds. The hon. Gentleman must be the judge on that point; but he hoped that in the Departmental Circular embodying instructions to the local education authorities laying down the views of the Department, the Minister in charge of the Bill would state that in his personal opinion prepayment, wherever possible, should be made.

Question put, and negatived.

MR. HART-DAVIES (Hackney, N.) moved to insert in line 22, after the word “meal,” “the expense attending the serving such meal.” He would like to leave the local education authority as free as possible, but at the same time they should not only be relieved of the expense for the actual food supply, but of the cost of cooking and attendance.

SIR FREDERICK BANBURY said that this Amendment meant much the same as one standing in his own name, to leave out of clause 2 the words “determined by the local education authority,” and insert “sufficient to cover the full cost of providing, cooking, and serving that meal.”

MR. HART-DAVIES said that his object in moving his Amendment was to leave the matter rather vague.

MR. CAVE (Surrey, Kingston) seconded the Amendment. He had always understood that the words in the Bill included, not only the cost of food, but of getting the food ready.

Amendment proposed to the Bill—

"In line 22, after the word 'meal,' to insert 'the expense attending the serving of such meal.'"—(*Mr. Hart-Davies*).

MR. LOUGH said that the words of the Amendment had just the same force as he had tried to explain in regard to the other Amendment. The local education authority must be allowed to expend what they thought right in regard to preparing a meal. In the case of a small town, where it was thought necessary in connection with a public school to open a dining-room, the initial capital expenditure might amount to £15 or £20 a year. But during the first year the dining-room was opened perhaps not more than a thousand meals would be provided, and only one penny could be charged for each, because otherwise the child would go home. If a charge was made to cover the whole expense it might amount to sixpence or sevenpence a meal; whereas, perhaps a year afterwards the dining-room would be crowded and the initial cost would be covered by a charge of a penny per meal. The difficulty of putting in words such as were suggested in the Amendment would hamper the local education authority, and he hoped that his hon. friend would not press it, because they must have a little confidence in the business tact of the local authority.

MR. HART-DAVIES said he had no objection to withdraw his Amendment.

Amendment, by leave, withdrawn.

MR. FELL (Great Yarmouth) moved an Amendment with the object of providing that the meals provided should not in cost exceed threepence. He thought it was desirable to limit the discretion of the local education authority. He had no doubt that some school canteen committees would be economical and supply the best possible meal at the least possible cost, but there might be school canteen committees who were extravagant, and it was impossible to say in such an event to what the cost of a meal might run. The parent was to be charged with the price of the meal, and the amount was to be recoverable from him, and he would know, if the Amendment were adopted, that under no circumstances could he be charged more than three-

pence. He thought his proposal would help all parties—the education authority, the canteen committee, and the parent, and he considered that the authorities should be guided in some way by a maximum sum being indicated. He did not anticipate that the cost of the meal would, in every case, reach the maximum, but there ought to be one beyond which the charge should not go.

Amendment not seconded.

*MR. CAVE moved an Amendment to insert words which would lay it down that the amount charged for the meal should not be less than the estimated cost to the authority of providing, preparing, and serving it. He said the Bill gave no guidance as to the principle upon which the local authority should fix the sum to be charged for the meal, and there was nothing to prevent them from providing a meal which cost twopence halfpenny and charging a halfpenny or a farthing, so that they could in substance provide free meals, although making a small nominal charge. They were told that this was not intended, and that no public funds would be applied to the provision of meals under this Bill except in either cases under Clause 3, or where the parent was unable, through no fault of his own, to pay for the meal.

MR. LOUGH said that no public funds would be available for food, but they would be available for machinery.

*MR. CAVE said that this was the first time he had heard that admitted, but he wished to point out that unless the parent was unable to pay for the meal he ought to be made liable for the cost of it, and some words defining his liability should be inserted. He thought the best way was that the local education authority should fairly estimate the cost of the meal and charge what it cost them. He did not mean to include the capital charges in regard to the buildings and apparatus but merely the estimated cost of providing and serving the meal, his object being to make the whole thing self-supporting in regard to those children whose parents could pay. In the case of necessitous children no provision was made that the cost of the meals could be recovered from any other

source, and therefore it must come out of the education rate.

SIR HENRY CRAIK (Glasgow and Aberdeen Universities) seconded.

Amendment proposed to the Bill—

"In page 1, line 22, after the word 'amount,' to insert the words '(not being less than the estimated cost to the authority of providing, preparing and serving such meal.)'"—(*Mr. Cave.*)

Question proposed "That those words be there inserted in the Bill."

MR. LOUGH said he heartily appreciated the courteous and sympathetic words in which the Amendment had been moved, but thought it would be unworkable, and would defeat the object with which it was proposed. It would be exceedingly difficult to estimate the cost, and it would work out perhaps to fractions of a farthing. There must be a round sum, and, as in any business, the loss on one day would be recovered on another. The cost must vary according to the number of children, so that if the Amendment were adopted in a large school it would be much less than in a small school, putting an impossible burden on an auditor. Did the hon. Member say that there was no alternative between an absolutely free meal and one for which the full cost was paid? At present they could get half the money for the meal from the child, and if these words were put in the local authorities would be precluded from taking what might be obtained for a meal. He could not believe the hon. Gentleman intended to do that. But this was one of the practical difficulties that arose with regard to a financial rule of that character. If, again, they asked for a prepayment it must be based upon an estimate and these qualifying words would not get rid of that difficulty. He could not accept the Amendment.

*MR. BRIDGEMAN said he was not convinced by the arguments of the hon. Gentleman. He congratulated him with having expounded his views with a little more lucidity than he did a few days ago, and was grateful to him for having given his reasons, because this was a question the Committee did not fully understand when it was last discussed. There seemed to be an impression that this

clause dealt with necessitous children, but it only dealt with children from whom the money could be recovered. It was only when they came to Clause 3 that they commenced to deal with necessitous children. The hon. Member for St. Helens, on the previous occasion, spoke upon this clause under the total misapprehension that it was to do with free meals for necessitous children. The intention of the clause was in the opposite direction. It was to see that the local authority should not be the loser by giving meals to children, whose parents could afford to pay, merely for the sake of convenience. And that was the Amendment of his hon. friend. The hon. Member in charge of the Bill said the Amendment was unworkable for three reasons. First he said it was impossible to ascertain the cost and whether a profit was being made on a particular meal or not. But a very little experience would enable the local authority to get out of that difficulty. It was perfectly easy to get an estimate of the cost, and that was all that was involved in this Amendment. Then it was said it would necessitate dealing in small fractions. The Amendment did not do that. It simply said there should be no loss. And with regard to the contention that it could not be estimated without going into small fractions, he pointed out that it was not necessary to estimate the cost to a farthing, and if it was estimated at a farthing too much the people who wanted their children to have a meal merely for the sake of convenience were perfectly well able to pay the extra farthing. That would also help the local authority to feed those who could not afford to pay. It was lastly contended that the Amendment would defeat its own object by preventing the local authority receiving part payment or pre-payment. If the cost was estimated he could not see how the Amendment prevented pre-payment, and with regard to part payment the hon. Gentleman had himself made that perfectly safe. If the parents were able to pay part, the voluntary associations would pay the rest, and the part that they paid would go to the local authorities. The Amendment left it open to the local authorities to take part payment of the actual cost of the meal to recoup themselves, yet the hon. Gentleman wished the House to oppose the Amendment. Did

he wish the local authority to be a loser when there was no need, or to saddle the rate with more than was necessary, or to make it easy for people able to pay to get a meal for 1d. which cost 2d.? There was no difficulty in this Amendment; it would be easy to administer it if the hon. Gentleman would accept it. He had not been lavish in the concessions he had made, and he was afraid the hon. Gentleman had been rather influenced in that by the fact that so few hon. Members had been present in opposition to discuss the matter. But although only seventeen or eighteen voted in the lobby on Friday it must be borne in mind that they reduced the Government majority to a lower point than almost any before, and he was convinced that many supporters of the Government stayed away in order to avoid the predicament in which they would have been placed in having to oppose the hon. Gentleman.

*SIR W. J. COLLINS (St. Pancras, W.) said it was desirable to keep the various issues quite apart in dealing with this matter. He was astonished to hear the mover of the Amendment say that the principle that the price fixed by the local authority for a meal supplied should not cover the cost of the "machinery" as well as the cost of the food, was new to the House. There was a great weight of authority behind that principle. The Scottish Royal Commission, two Departmental Committees, and the Select Committee had suggested that the cost of the machinery should fall on the local authority and the cost of the materials upon the parents or the voluntary agencies. They had only to refer to the Scottish Commission to find the opinion expressed that in many cases it would be of inestimable advantage if these meals could be supplied, and that the cost of preparing them should be part of the school service. Another circumstance that had been lost sight of was the educational value of a meal supplied under these circumstances. The Report of the Medical Inspector of the *Lancet* who had recently visited the Indian schools, said it was there recognised that the instruction that could be given at meal times was as necessary as the education given in the schools. He urged the House not to forget the educational value of these meals and contended that experience in London

Mr. Lough.

proved that 75 or 80 per cent. of the cost might be recovered from the parents.

MR. ARTHUR HENDERSON (Durham, Barnard Castle) appealed to the Government not to accept this Amendment. In the first place he was a little suspicious that there was a desire to-night not to trust the local authority. If there was one argument more than another used on the Select Committee it was that they should trust the local authority. Those who had been the keenest upon that argument were now the most ready to depart from it. The parent must pay the full estimated cost of the meal, the only alternative being that the child must become a necessitous child. There was no middle course. The proper way to meet the difficulty was to leave more elasticity to the local authority. The local authority might have within its area a district where the better class working men and the middle class resided, and they might be prepared to pay a little more than the bare cost for convenience sake, and in those cases a profit would be made. Another part of the same area might be a poor working class neighbourhood where a number of unskilled labourers resided, and they might not be in a position to pay the full cost of the meals provided for their children. Surely they might leave it to the discretion of the local authority to charge more in the former case and less in the latter, according to the circumstances. If the local authority did not make the whole transaction pay, where would the money come from?

MR. HAROLD COX (Preston): From the rates.

MR. ARTHUR HENDERSON said that no public funds were provided. There was no power under this Bill connected with the school canteen system for the rates to be drawn upon in the event of the local authority failing to make this first part of the business pay. But they were not now dealing with necessitous cases. From the arguments which had been advanced he should have thought the reduction of the number of necessitous cases ought to be the chief aim of the hon. Member for Preston than whom no man had done more to prevent this Bill from

passing into law. They ought to leave the local authority absolutely free in this matter. For these reasons he sincerely hoped that this Amendment would not be pressed, because it would defeat the object the measure had in view, and it would drive many of the children into a category out of which they ought to do their best to keep them.

*SIR WILLIAM ANSON (Oxford University) said the hon. Member for Barnard Castle did not appear quite to understand the Amendment. The cost of the food had to be found by voluntary agencies, whilst the cost of its preparation and service had to be provided by the ratepayer, who would not be consulted in the matter at all, and the purpose of this Amendment was to secure that the amount repaid by the parents should go to meet the charge imposed on the ratepayer.

*MR. HAROLD COX maintained that parents who liked the convenience of their children dining at school ought to pay for that convenience. These parents had no right to compel the ratepayers to pay for the convenience they secured. It had been said that the matter could be settled by leaving it to the local authority. They had had experience of the manner in which local authorities had acted. In the case of London, the London County Council was the local education authority, and when the education of London was handed over to them there were a number of schools in which fees were willingly paid. Those fees brought in a revenue of £20,000 a year, but the London County Council wantonly abolished them. That council apparently thought that it was more democratic to compel the ratepayer to pay for other people's children than to permit the parent to pay for his own children. If this clause passed it would authorise the London County Council to set up a system of restaurants all over London at the cost of the ratepayers. We wanted better education in this country, more teachers, and higher salaries for the teachers, but we could not get any of these things if the ratepayers were to be plundered for things

that parents really did not want. He therefore hoped the Government would accept the Amendment.

MR. GWYNN (Galway) thought the object of this Bill was being misrepresented by the Opposition. There were two principal objects, one of which was primary and the other only secondary. In London and in England generally they had enacted that all children must go to school. The question was whether the children should be forced to go to school in a starving condition. If that was not the wish of hon. Members they would have to provide meals for a certain number of the children. It was in the interests of the ratepayers as well as in the interests of education generally that meals should be provided for necessitous children. The Amendment under consideration raised the question whether other children should be allowed to profit by the existence of the machinery which would be provided under this Bill. It also suggested that a charge should be made which would cover not only the food supplied but also the capital value of the building, machinery, and attendance. It appeared to him that the House was being asked to put the cost of the whole business upon a section of the community.

MR. LOUGH made an appeal to the Committee to decide this point.

SIR FREDERICK BANBURY thought the hon. Gentleman in charge of the Bill would recognise that they had been very moderate in their opposition to it. [Cries of "Divide."] Hon. Members below the gangway who were so impatient made statements which would give a false impression in the country and the House, and therefore it was necessary to deal with them. The one argument appeared to be that the necessitous child should have his meal free, but this Amendment did not touch that point; it provided only that a charge should be made for the cost of the meal to a particular child. The charge would not cover the cost of the building and the providing and serving of the meal.

Question put.

The House divided :—Ayes, 27 ; Noes, 251. (Division List No. 495.)

AYES.

Anson, Sir William Reynell
Balcarres, Lord
Banbury, Sir Frederick George
Bertram, Julius
Bignold, Sir Arthur
Bowles, G. Stewart
Bridgeman, W. Clive
Carlile, E. Hildred
Craik, Sir Henry
Douglas, Rt. Hon. A. Akers-

Fell, Arthur
Finch, Rt. Hon. George H.
Fletcher, J. S.
Herbert, T. Arnold (Wycombe)
Hunt, Rowland
Lane-Fox, G. R.
Law, Andrew Bonar (Dulwich)
Lyttelton, Rt. Hon. Alfred
Nield, Herbert
Rawlinson, John Frederick Peel

Salter, Arthur Clavell
Starkey, John R.
Valentia, Viscount
Walrond, Hon. Lionel
Whitehead, Rowland
Wolff, Gustav Wilhelm
Younger, George

TELLERS FOR THE AYES—Mr.
Cave and Mr. Harold Cox.

NOES.

Abraham, William (Rhondda)
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Allen, Charles P. (Stroud)
Armstrong, W. C. Heaton
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Baring, Godfrey (Isle of Wight)
Barlow, Percy (Bedford)
Barnard, E. B.
Barnes, G. N.
Barry, E. (Cork, S.)
Beauchamp, E.
Beaumont, Hn. W. C. B. (Hexham)
Beck, A. Cecil
Bellairs, Carlyon
Benn, Sir J. Williams (Devonport)
Bethell, Sir J. H. (Essex, Romford)
Bethell, T. R. (Essex, Maldon)
Billson, Alfred
Black, Alexander Wm. (Banff)
Boland, John
Boulton, A. C. F. (Ramsey)
Bowerman, C. W.
Brace, William
Bramson, T. A.
Branch, James
Brocklehurst, W. B.
Brodie, H. C.
Brooke, Stopford
Bryce, J. A. (Inverness Burghs)
Burke, E. Haviland
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Cairns, Thomas
Causton, Rt. Hn. Richard Knight
Cherry, Rt. Hon. R. R.
Clancy, John Joseph
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W.)
Corbett, C. H. (Sussex, E. Grinst'd)
Cornwall, Sir Edwin A.
Cotton, Sir H. J. S.
Crean, Eugene
Cremor, William Randal
Crombie, John William
Crooks, William
Davies, W. Howell (Bristol, S.)
Delany, William

Dewar, Arthur (Edinburgh, S.)
Dewar, John A. (Inverness-sh.)
Dickinson, W. H. (St. Pancras, N.)
Dilke, Rt. Hon. Sir Charles
Dillon, John
Dolan, Charles Joseph
Duncan, C. (Barrow-in-Furness)
Duncan, J. H. (York, Otley)
Dunn, A. Edward (Camborne)
Erskine, David C.
Essex, R. W.
Evans, Samuel T.
Eve, Harry Trelawney
Faber, G. H. (Boston)
Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Findlay, Alexander
Fuller, John Michael F.
Fullerton, Hugh
Gibb, James (Harrow)
Gilhooly, James
Gill, A. H.
Ginnell, L.
Glover, Thomas
Goddard, Daniel Ford
Gooch, George Peabody
Gulland, John W.
Gurdon, Sir W. Brampton
Gwynn, Stephen Lucius
Hall, Frederick
Harcourt, Rt. Hon. Lewis
Hardie, J. Keir (Merthyr Tydvil)
Harrington, Timothy
Hart-Davies, T.
Harvey, A. G. C. (Rochdale)
Harwood, George
Haslam, James (Derbyshire)
Haslam, Lewis (Monmouth)
Haworth, Arthur A.
Hayden, John Patrick
Helme, Norval Watson
Hemmerde, Edward George
Henderson, Arthur (Durham)
Herbert, Colonel Ivor (Mon., S.)
Higham, John Sharp
Hobart, Sir Robert
Hobhouse, Charles E. H.
Hogan, Michael
Hope, W. Bateman (Somerset, N.)
Horniman, Emslie John
Hudson, Walter

Hyde, Clarendon
Idris, T. H. W.
Jackson, R. S.
Jenkins, J.
Johnson, John (Gateshead)
Jones, Leif (Appleby)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George
Kincaid-Smith, Captain
King, Alfred John (Knutsford)
Laidlaw, Robert
Lamb, Ernest H. (Rochester)
Lamont, Norman
Law, Hugh A. (Donegal, W.)
Leese, Sir Joseph F. (Accrington)
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Maurice
Lewis, John Herbert
Lough, Thomas
Lundon, W.
Luttrell, Hugh Fownes
Lynch, H. B.
Macdonald, J. M. (Falkirk Bg'hs)
Macnamara, Dr. Thomas J.
MacNeill, John Gordon Swift
Macpherson, J. T.
MacVeagh, Jeremiah (Down, S.)
MacVeigh, Charles (Donegal, E.)
McCallum, John M.
McCrae, George
McKean, John
McLaren, Sir C. B. (Leicester)
McLaren, H. D. (Stafford, W.)
McMicking, Major G.
Manfield, Harry (Northants)
Marks, G. Croydon (Launceston)
Marnham, F. J.
Massie, J.
Masterman, C. F. G.
Meagher, Michael
Meehan, Patrick A.
Micklem, Nathaniel
Molteno, Percy Alport
Money, L. G. Chiozza
Morton, Alpheus Cleophas
Murnaghan, George
Murphy, John
Myer, Horatio
Norman, Sir Henry
Norton, Capt. Cecil William
Nuttall, Harry
O'Brien, Kendal (Tipperary Mid)

O'Brien, Patrick (Kilkenny)
 O'Connor, T. P. (Liverpool)
 O'Doherty, Philip
 O'Donnell, C. J. (Walworth)
 O'Donnell, John (Mayo, S.)
 O'Hare, Patrick
 O'Kelly, James (Roscommon, N.)
 O'Malley, William
 O'Mara, James
 O'Shaughnessy, P. J.
 Paul, Herbert
 Pearce, Robert (Staffs. Leek)
 Pickersgill, Edward Hare
 Pollard, Dr.
 Power, Patrick Joseph
 Price, C. E. (Edinburgh, Central)
 Priestley, W. E. B. (Bradford, E.)
 Rainy, A. Rolland
 Redmond, John E. (Waterford)
 Redmond, William (Clare)
 Rees, J. D.
 Rihards, Thomas (W. Monm'th)
 Richards, T. F. (Wolverh'mpt'n)
 Rickett, J. Compton
 Riddsdale, E. A.
 Roberts, Charles H. (Lincoln)
 Roberts, G. H. (Norwich)
 Robertson, Sir G. Scott (Bradfrd)
 Robertson, J. M. (Tyneside)
 Robinson, S.
 Roche, Augustine (Cork)

Roe, Sir Thomas
 Rogers, F. E. Newman
 Russell, T. W.
 Rutherford, V. H. (Brentford)
 Samuel, Herbert L. (Cleveland)
 Sears, J. E.
 Seaverns, J. H.
 Seely, Major J. B.
 Shackleton, David James
 Sherwell, Arthur James
 Shipman, Dr. John G.
 Silcock, Thomas Ball
 Simon, John Allsebrook
 Sinclair, Rt. Hon. John
 Smyth, Thomas F. (Leitrim, S.)
 Snowden, P.
 Soares, Ernest J.
 Spicer, Sir Albert
 Steadman, W. C.
 Stewart, Halley (Greenoel.)
 Stewart-Smith, D. Kendal
 Strachey, Sir Edward
 Sullivan, Donal
 Summerbell, T.
 Taylor, John W. (Durham)
 Taylor, Theodore C. (Radcliffe)
 Thomas, Sir A. (Glamorgan, E.)
 Thorne, William
 Toulmin, George
 Trevelyan, Charles Philips
 Verney, F. W.

Walker, H. De R. (Leicester)
 Walters, John Tudor
 Walton, Joseph (Barnsley)
 Ward, John (Stoke upon Trent)
 Wardle, George J.
 Wason, Eugene (Clackmannan)
 Watt, H. Anderson
 Wedgwood, Josiah C.
 Whitbread, Howard
 White, George (Norfolk)
 White, J. D. (Dumbartonshire)
 White, Luke (York, E.R.)
 White, Patrick (Meath, North)
 Whitley, J. H. (Halifax)
 Whittaker, Sir Thomas Palmer
 Wiles, Thomas
 Williams, J. (Glamorgan)
 Wills, Arthur Walters
 Wilson, Henry J. (York, W.R.)
 Wilson, John (Durham, Mid)
 Wilson, J. H. (Middlesbrough)
 Wilson, J. W. (Worcestersh. N.)
 Wilson, P. W. (St. Pancras, S.)
 Wilson, W. T. (Westthoughton)
 Wood, T. McKinnon
 Yoxall, James Henry

TELLERS FOR THE NOES—Mr.
 Whiteley and Mr. J. A.
 Pease.

Amendment proposed to the Bill—

"In page 1, line 23, to leave out the word such."—(*Mr. Lough.*)

Amendment agreed to.

MR. BOWLES moved an Amendment to provide that a parent should receive a statement of account for every meal furnished to his child "within a period to be prescribed by the local education authority." He thought this Amendment was absolutely necessary if justice was to be done to the parents in this matter. The clause gave the local education authority enormous powers in regard to the recovery of the cost of meals, and it seemed to him reasonable that a parent should know within what time he was expected to pay before proceedings would be taken against him. He supposed that an account would have to be rendered to every parent, and he suggested that the account should state the time after which the powers of the local education authority to recover payment would begin to run. This was one of the many gaps in the machinery of the Bill, and he hoped the Amendment would be accepted by the Secretary to the Board of Education who had not been very lavish in concessions to Members of the Opposition.

SIR FREDERICK BANBURY

seconded the Amendment. It was a reasonable proposal, because it only gave the parent a chance of knowing what he had to pay within a prescribed period. A parent might not know that meals were supplied to his child, but he was to be liable for the charge, even though he was in ignorance of what had been done. The hon. Gentleman in charge of the Bill said that they must leave all these things to the local authorities, but different local authorities would probably make different rules on this extremely important point. He appealed to the good sense of hon. Gentlemen opposite in order that some rule might be laid down ensuring that there should be some uniformity in the regulations made by different authorities. He hoped that he had made himself clear, and having gone so far to give elasticity to the local education authority, he invited the hon. Gentleman to accept the Amendment.

Amendment proposed to the Bill—

"In page 1, line 23, after the word 'parent,' to insert the words 'within a period to be prescribed by the local education authority and set forth by them on the statement of account.'"—(*Mr. Bowles.*)

Question proposed "That those words be there inserted in the Bill."

MR. LOUGH said he gladly recognised the spirit in which the Amendment had been moved. The hon. Member had said that there were many gaps in the machinery by which the Bill was to be carried into effect; but it was the business of the local education authority to fill in these gaps. The hon. Baronet had suggested that at the foot of the accounts sent to the parents it should be stated that if payment was not made in seven days the matter would be put into the hands of the solicitor of the local education authority. He thought that it would be ridiculous to make such a claim, and to put it into the Bill; and he hoped the hon. Member would not press his Amendment.

Question put, and negatived.

MR. BOWLES said that this clause went beyond machinery, for it empowered every local education authority throughout the country to supply meals to the children, and laid the duty on that authority to recover payment for them. He thought that the hon. Gentleman in charge of the Bill would see that the clause would impose a very grave injustice on some parents. He wished to move an Amendment to provide that the parents should not be forced to pay unless the meal had been supplied to his child with his authority or consent.

Amendment proposed to the Bill—

“In page 2, line 2, after the word ‘amount’ to insert the words, ‘or that the meal has been furnished without his authority and consent.’”—(*Mr. Bowles.*)

Question proposed, “That those words be there inserted in the Bill.”

MR. LOUGH said he quite agreed with the hon. Gentleman that a broad principle was involved in the clause; in fact it embodied the most definite principle in the Bill. The intention of the Bill was to enforce the duty of the parent to send his child to school properly fed and fit to receive instruction; and this clause had its root in the argument of the hon. Member for North Camberwell that he objected to the children being scarified. He could not accept the Amendment.

SIR FRANCIS POWELL said that this was a question purely of administra-

tion, and he hoped the Government would not allow the clause to pass without further consideration. He himself wanted the clause to work satisfactorily in regard to parents and children who were not necessitous. It seemed to him that such parents ought at least have some notice where a charge was to be made for the meals. He was sincerely anxious that the Bill should go to another place without any gap in it.

*MR. HERBERT (Buckinghamshire, Wycombe) said he hoped the Government would give serious attention to this Amendment which seemed to him to be perfectly reasonable. The clause did not deal entirely with necessitous children, nor with neglectful parents, and it might happen that a parent who did his duty by his children might provide them with money to get dinner day by day, and the child might spend that money on sweets or cigarettes and, having no dinner otherwise, might be provided with dinner at school. Then, at an indefinite period afterwards, the local authority would send in a bill for meals of which the parent had no knowledge. That he thought would be a monstrous proceeding, and therefore there ought to be an obligation upon the local authority to give notice at once of what they were doing to both the neglectful parent and the good parent.

SIR FREDERICK BANBURY said that the hon. Gentleman in charge of the Bill had no doubt the same object in view as they had, but he had failed to grasp the point under discussion. The hon. Gentleman had said that where the parent did not provide his child with sufficient food, the object of the clause was to scarify the parent. The Amendment of his hon. friend was not to prevent the scarifying of the parent, who showed cruelty to his child, but to protect him in doing his duty. If a parent gave his child a sufficient breakfast, and the child went down to school and found a very excellent breakfast for the other children being provided by the local education authority, he might be tempted to take a second breakfast. That was a very likely thing to occur. If the parent exercised cruelty towards his child a cheaper remedy than that proposed by the hon. Gentleman would be to invoke the intervention

of the Society for the Prevention of Cruelty to Children. [Cries of "Divide."] By this Bill they were carrying legislation further than it had ever been carried before, and at all events hon. Members should put themselves to a little inconvenience to see that the provisions of the Bill were such that they could be administered without difficulty.

*DR. MACNAMARA said his hon. friend had stated that they were passing a Bill the like of which they had never passed before. Quite true. And they ought to have done it long ago. What would happen under this clause? The local education authority gave a meal and it was to be given freely under the Bill unless one of two things happened; either the local education authority were to be satisfied that owing to the necessitous character of the area, funds other than public funds were not available or were insufficient in amount to defray the cost of meals, or that the parent was unable to pay. Now it was desired to insert another provision under which the parent should come forward and say that the meal was given to his child without his authority. Did not hon. Members who supported this proposal see that they were defeating their own object, because thriftless parents would always come forward and say that. They were giving them indeed the best excuse not to pay. A more stupid Amendment he could not remember.

*MR. CAVE appealed to his hon. friend to withdraw the Amendment and was sure that he did not quite see what the effect of it was. Take the case of a man who was well able to pay for his child's food, but for selfish reasons refused either to give his child a proper meal at home or to consent to its being properly fed at school. In such a case the school authority out of humanity would have to give a meal to that child but would be unable, if this Amendment were carried, to recover from the father the twopence which it cost. He would ask his hon. friend to withdraw his Amendment.

Amendment, by leave, withdrawn.

Amendments proposed to the Bill—

"In page 2, line 7, to leave out the word 'represents,' and insert the words 'may be determined by the authority to represent.'"

"In page 2, line 8, at the end, to insert the words 'less a reasonable deduction in respect of the expenses of recovering the same.'"—*(Mr. Cave.)*

Amendments agreed to.

SIR FREDERICK BANBURY moved to leave out Clause 3. The hon. Gentleman in charge of the Bill had admitted that there were gaps in it. Clause 3 as it was at present drawn constituted a very big gap, and he proposed to fill it up by omitting the clause altogether. This clause provided that the local education authority might raise an amount not exceeding one halfpenny in the pound in order to provide food for the children. This was not the clause which invited the local authority to co-operate with any voluntary authority, or to provide any other machinery of a voluntary character. It was a clause simply to enable the local authority to levy a halfpenny rate for the purpose of providing food. He thought that this was an extremely bad clause and that the result of it would be that the local education authority would be empowered to provide food for the children which the parents of the child ought to provide themselves. All these provisions for affording certain meals or education to children at less than the actual cost had always been safeguarded by anxiously thought out provisions to the effect that there should be a limit put in the Bill. But in how many cases had that limit been maintained? If safeguards or limit of the rate were not put into this Bill what would be the result at the next election of any local education authority? In nine cases out of ten in the case of an election for the county council or the local education authority the cry would be "Vote for Smith and free meals for children." The result would be that the candidate who was prepared to give free meals to children would be returned. [Loud cries of "No."] Well, he was not quite so sure about that, and he thought it was for that very reason that there were so few hon. Members who were contesting the passage of this Bill. It was because they were afraid of the consequences that they were supporting it. Personally, he was not afraid of the use of any public money for this purpose whether it was the money of the State or from the rates, but if hon. Members

would have the courage of their opinion and say that they believed it was necessary for the lives of those people who were going to inhabit this country that they should be properly fed and educated at the cost of the State he should say he did not agree with them, but he admired their courage. When, however, they came down and said that there were going to be certain safeguards in regard to such a policy, and that only a certain amount was going to be spent upon a certain number of necessitous children, he had to ask the question "What would happen if there were more necessitous children than the halfpenny rate would provide for?"

Amendment proposed—

"In page 2, line 9, to leave out Clause 3."—
(*Sir Frederick Banbury.*)

Question proposed, "That the words proposed to be left out, to the word 'resolve,' in line 9, stand part of the Bill."

MR. LOUGH recognised the good example which the hon. Member had set by moving his Amendment very briefly, and said he would imitate him in his reply. He would like to remove certain misconceptions which appeared to prevail. Everything that was inserted in Clauses 1 and 2 would apply to Clause 3, which would be covered by the provisions of the earlier clauses. The hon. Member seemed to think that a popular cry at an election would be "Vote for Smith and free meals." But he did not think so. He thought it would be a most unpopular thing for anybody to advocate increased taxation at the present time.

They had had enough of that, and he thought the people were in favour of economy. He thought what they wanted to do could be done without the clause being in the Bill at all, but on the whole he considered it was safer to insert these provisions. The clause was surrounded with safeguards, in fact with every safeguard which they could devise.

SIR WILLIAM ANSON said that with his hon. friend he felt very strongly that this clause carried certain dangers, but he would urge him not to go to a division. They had accepted the proposal that children who were absolutely in want and could not get the full advantage of the system of education provided, should in some form or another be provided with meals. It might be proper that the locality should raise a limited sum for this purpose, but what they had to consider was not the application of the clause in particular, but the safeguards which were put upon the local education authority in spending the ratepayers' money in providing meals for children whose parents could pay. Under the circumstances, although he was not altogether satisfied that the safeguards were sufficient and would press one or two Amendments on the Parliamentary Secretary later, he thought this Bill was one of which they had accepted the principle and therefore should not press this Amendment.

Question put.

The House divided:—Ayes, 267;
Noes, 15. (Division List No. 496.)

AYES.

Abraham, William (Rhondda)
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Allen, Charles P. (Stroud)
Armstrong, W. C. Heaton
Asquith, Rt. Hon. Herbert Henry
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barnes, G. N.
Barry, E. (Cork, S.)
Beauchamp, E.
Beaumont, Hon. W. C. B. (Hexham)
Beck, A. Cecil
Bellairs, Carlyon
Benn, Sir J. Williams (Devonport)
Sir Frederick Banbury.

Benn, W. (T'w'r H'mlets, S. Geo.)
Bethell, Sir J. H. (Essex, Romford)
Bethell, T. R. (Essex, Maldon)
Billson, Alfred
Birrell, Rt. Hon. Augustine
Black, Alexander Wm. (Banff)
Boland, John
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brocklehurst, W. B.
Brodie, H. C.
Brooke, Stopford
Burke, E. Havillan
Burns, Rt. Hon. John
Burnyeat, W. J. D.

Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hon. Richard Knight
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (S. Pancras, W.)
Cooper, G. J.
Corbett, C. H. (Sussex, E. Grinstead)
Cornwall, Sir Edwin A.
Cotton, Sir H. J. S.
Cowan, W. H.
Crean, Eugene
Cremer, William Randal
Crombie, John William

Crooks, William
 Davies, W. Howell (Bristol, S.)
 Delany, William
 Dewar, Arthur (Edinburgh, S.)
 Dewar, John A. (Inverness-sh.)
 Dickinson, W. H. (St. Pancras, N)
 Dillon, John
 Dobson, Thomas W.
 Dolan, Charles Joseph
 Duncan, C. (Barrow-in-Furness
 Duncan, J. H. (York, Otley)
 Dunn, A. Edward (Camborne)
 Edwards, Frank (Radnor)
 Erskine, David C.
 Essex, R. W.
 Evans, Samuel T.
 Everett, R. Lacey
 Faber, G. H. (Boston)
 Farrell, James Patrick
 Fernwick, Charles
 Ferens, T. R.
 Ferguson, R. C. Munro
 Ffrench, Peter
 Findlay, Alexander
 Fuller, John Michael F.
 Fullerton, Hugh
 Gibb, James (Harrow)
 Gilhooly, James
 Gill, A. H.
 Ginnell, L.
 Gladstone, Rt. Hn. Herbert John
 Glover, Thomas
 Goddard, Daniel Ford
 Gooch, George Peabody
 Gulland, John W.
 Gurdon, Sir W. Brampton
 Gwynn, Stephen Lucius
 Hall, Frederick
 Harcourt, Rt. Hon. Lewis
 Hardie, J. Keir (Merthyr Tydvil)
 Harrington, Timothy
 Hart-Davies, T.
 Harvey, A. G. C. (Rochdale)
 Haslam, James (Derbyshire)
 Haslam, Lewis (Monmouth)
 Haworth, Arthur A.
 Hayden, John Patrick
 Hazel, Dr. A. E.
 Hedges, A. Paget
 Helme, Norval Watson
 Hemmerde, Edward George
 Henderson, Arthur (Durham)
 Henderson, J. M. (Aberdeen, W.)
 Herbert, Colonel Ivor (Mon., S.)
 Higham, John Sharp
 Hobart, Sir Robert
 Hobbouse, Charles E. H.
 Hogan, Michael
 Hope, W. Bateman (Somerset, N)
 Horniman, Emslie John
 Hudson, Walter
 Hyde, Clarendon
 Idris, T. H. W.
 Isaacs, Rufus Daniel
 Jackson, R. S.
 Jenkins, J.
 Johnson, John (Gateshead)
 Jones, Leif (Appleby)
 Jowett, F. W.
 Joyce, Michael
 Kekewich, Sir George
 Kelley, George D.
 Kincaid-Smith, Captain

Laidlaw, Robert
 Lamont, Norman
 Law, Hugh A. (Donegal, W.)
 Leese, Sir Joseph F. (Accrington)
 Lehmann, R. C.
 Lever, A. Levy (Essex, Harwich)
 Levy, Maurice
 Lewis, John Herbert
 Lloyd-George, Rt. Hon. David
 Lough, Thomas
 London, W.
 Luttrell, Hugh Fownes
 Lyell, Charles Henry
 Lynch, H. B.
 Macdonald, J. M. (Falkirk B'ghs.)
 Macnamara, Dr. Thomas J.
 MacNeill, John Gordon Swift
 Macpherson, J. T.
 MacVeagh, Jeremiah (Down, S.)
 MacVeigh, Charles (Donegal, E)
 M'Callum, John M.
 M'Crae, George
 M'Kean, John
 M'Laren, Sir C. B. (Leicester)
 M'Laren, H. D. (Stafford, W.)
 M'Micking, Major G.
 Manfield, Harry (Northants)
 Marks, G. Croydon (Launceston)
 Marnham, F. J.
 Massie, J.
 Masterman, C. F. G.
 Meagher, Michael
 Meehan, Patrick A.
 Micklem, Nathaniel
 Money, L. G. Chiozza
 Morton, Alpheus Cleophas
 Murnaghan, George
 Murphy, John
 Nicholls, George
 Norman, Sir Henry
 Norton, Capt. Cecil William
 Nuttall, Harry
 O'Brien, Kendal (Tipperary, Mid)
 O'Brien, Patrick (Kilkenny)
 O'Connor, T. P. (Liverpool)
 O'Doherty, Philip
 O'Donnell, C. J. (Walworth)
 O'Donnell, John (Mayo, S.)
 O'Donnell, T. (Kerry, W.)
 O'Grady, J.
 O'Hare, Patrick
 O'Kelly, James (Roscommon, N)
 O'Malley, William
 O'Mara, James
 O'Shaughnessy, P. J.
 Parker, James (Halifax)
 Paul, Herbert
 Pearce, Robert (Staff. Leek)
 Pickersgill, Edward Hare
 Pollard, Dr.
 Powell, Sir Francis Sharp
 Power, Patrick Joseph
 Price, C. E. (Edinburgh, Centr'l)
 Priestley, Arthur (Grantham)
 Priestley, W. E. B. (Bradford, E.)
 Reddy, M.
 Redmond, John E. (Waterford)
 Redmond, William (Clare)
 Rees, J. D.
 Richards, Thomas (W. Monm'th)
 Richards, T. F. (Wolverh'mpt'n)
 Rickett, J. Compton
 Ridsdale, E.

Roberts, Charles H. (Lincoln)
 Roberts, G. H. (Norwich)
 Robertson, Sir G. Scott (Bradford)
 Robertson, J. M. (Tyneside)
 Robinson, S.
 Roe, Sir Thomas
 Rogers, F. E. Newman
 Russell, T. W.
 Samuel, Herbert L. (Cleveland)
 Scott, A. H. (Ashton-under-Lyne)
 Sears, J. E.
 Seaverns, J. H.
 Seely, Major J. B.
 Shackleton, David James
 Sherwell, Arthur James
 Shipman, Dr. John G.
 Silcock, Thomas Ball
 Simon, John Allsebrook
 Sinclair, Rt. Hon. John
 Smeaton, Donald Mackenzie
 Smith, F. E. (Liverpool, Walton)
 Smyth, Thomas F. (Leitrim, S.)
 Snowden, P.
 Soares, Ernest J.
 Spicer, Sir Albert
 Steadman, W. C.
 Stewart, Halley (Greenock)
 Stewart-Smith, D. (Kendal)
 Strachey, Sir Edward
 Straus, B. S. (Mile End)
 Sullivan, Donal
 Summerbell, T.
 Taylor, John W. (Durham)
 Taylor, Theodore C. (Radcliffe)
 Thomas, Sir A. (Glamorgan, E.)
 Thomasson, Franklin
 Thorne, William
 Tomkinson, James
 Toulmin, George
 Trevelyan, Charles Phillips
 Verney, F. W.
 Walters, John Tudor
 Walton, Sir John L. (Leeds, S.)
 Walton, Joseph (Barnsley)
 Ward, John (Stoke upon Trent)
 Wardle, George J.
 Wason, Eugene (Clackmannan)
 Watt, H. Anderson
 Wedgwood, Josiah C.
 Whitbread, Howard
 White, George (Norfolk)
 White, J. D. (Dumbartonshire)
 White, Luke (York, E. R.)
 White, Patrick (Meath, North)
 Whitehead, Rowland
 Whitley, J. H. (Halifax)
 Whittaker, Sir Thomas Palmer
 Wiles, Thomas
 Williams, J. (Glamorgan)
 Wills, Arthur Walters
 Wilson, Henry J. (York, W. R.)
 Wilson, John (Durham, Mid)
 Wilson, J. H. (Middlesbrough)
 Wilson, J. W. (Worcestersh. N.)
 Wilson, P. W. (St. Pancras, S.)
 Wilson, W. T. (Westhoughton)
 Wood, T. M'Kinnon

TELLERS FOR THE AYES—Mr.
 Whiteley and Mr. J. A.
 Pease.

NOES.

Beckett, Hon. Gervase
 Bignold, Sir Arthur
 Bowles, G. Stewart
 Craik, Sir Henry
 Douglas, Rt. Hon. A. Akers-
 Du Cros, Harvey
 Fell, Arthur

Finch, R. Hon. George H.
 Gibbs, G. A. (Bristol, West)
 Hamilton, Marquess of
 Lane-Fox, G. R.
 Nield, Herbert
 Starkey, John R.
 Valentia Viscount

Walrond, Hon. Lionel

TELLERS FOR THE NOES—Sir
 Frederick Banbury and Mr.
 Bridgeman.

MR. LANE-FOX moved an Amendment with the object of limiting the operation of the clause to children in town areas. He could certainly claim to have a distinct mandate for this Amendment, for every single rural district council in his constituency had petitioned him to oppose the clause. There was a good deal to be said for this Amendment, because the evil which this Bill was intended to cure had not arisen in rural districts. The rural councils distinctly objected to the machinery of this Bill being brought in. They objected to overlapping, and he thought their argument was sound. He did not think they ought to disestablish the existing authorities by a side wind, because in the urban districts there might be a problem which did not exist in rural districts. He appealed to hon. Members to be careful before they adopted a clause which might be necessary to the urban districts, but in the rural districts would have the effect of drying up the voluntary agencies which existed, and went far to mitigate the evil. In Hull this relief was carried on effectively at a cost of £900 a year, £300 of which was provided by two brothers, Mr. Wilson and Lord Nunburnholme.

MR. BOWLES seconded the Amendment.

Amendment proposed to the Bill—

"In page 2, line 9, after the word 'authority' to insert the words 'in an urban area.'"—(Mr. Lane-Fox.)

Question proposed, "That those words be there inserted in the Bill."

MR. LOUGH agreed that there was little demand for the Bill in rural districts. But the Bill was permissive, and it need not be put into operation if not required. The County Councils Association passed a resolution that so long as the Bill was permissive they had no objection to it. There might be individual parishes in which crises might occur, and it would be well to have

machinery to cope with its existence. If all went well in rural districts then the Act would never be put into operation.

* MR. BRIDGEMAN said the argument which had been put forward that the clause was inserted to meet the case of a crisis was absolutely worthless. In a rural parish with a rateable value of £2,000 a $\frac{1}{2}$ d. rate would raise about £4, and with five meals a week at 2d. each, a $\frac{1}{2}$ d. rate would only feed five children for twenty weeks.

MR. S. COLLINS (Lambeth, Kensington) said that those who had spoken on behalf of the Opposition had constantly expressed themselves in entire sympathy with the objects of this Bill. He found upon looking at the numerous Amendments which had been put on the Paper, that the Bill contained eight clauses, and hon. Members above the gangway were opposing five clauses out of the eight.

MR. SPEAKER: The hon. Member is not speaking to the Amendment.

MR. ROGERS (Wiltshire, Devizes) hoped the Government would not accept this Amendment. One of the strongest arguments against it was that they had not got in the rural districts the voluntary agencies which they had in the towns. He had some knowledge of a local authority which had no less than 350 schools under its control, and he did not believe that in one of those schools they received any voluntary assistance at all. He was sure that if they accepted an Amendment of this kind they would do a very great injustice to rural districts. The agricultural labourers were amongst the worst paid of industrial workers, and consequently there was sure to be a certain number of very poor children, and in order to deal with them it was very desirable that the local authority should have the power which this clause provided. He was not so sure that the last words of this clause were at all wise, and if the

right hon. Gentleman in charge of the Bill could see his way to make this a charge on the general county rate instead of upon the parish concern it would very materially assist the poor parishes.

MR. LANE FOX asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

SIR WILLIAM ANSON moved an Amendment requiring the local authority to furnish to the Board of Education a report by a medical inspector in making application for power to spend money out of the rates for food, such report certifying that there were children within their area unable by reason of lack of food to take full advantage of the education provided for them. He thought it was desirable that the Board of Education, which would have thrown upon it the responsibility of deciding whether this rate should be levied or not, should have the material facts before it for determining whether there was real need for such a step. It was not sufficient that the local authority should simply say that some of the children were underfed. It would be impossible for the Board of Education to make special inquiries in every locality, and it was not desirable that such a heavy strain should be placed upon the officials of the Board of Education. To avoid this he thought the local authority should be instructed to supply the Board of Education with such facts as would enable them to make an order at once. He thought the Board of Education ought to have some assurance from a medical authority that there were children unable to profit by the instruction offered because they were underfed and because no funds were available for the provision of meals. The information supplied by the local inspector would be sufficient for the Board of Education to act upon if they were satisfied that no voluntary agencies existed. He asked the House to give this Amendment serious consideration because it would relieve the Board of Education of a very serious responsibility and would give a great stimulus to the appointment of medical inspectors.

Amendment proposed to the Bill—

"In page 2, line 9, after the word, 'authorities,' to insert the words 'after receiving the

report of a medical inspection.'"—(*Sir William Anson.*)

Question proposed, "That those words be there inserted in the Bill."

MR. LOUGH regretted he could not accept this Amendment as it might prove a formidable barrier to the operation of the clause. The hon. Gentleman opposite had said that it was undoubtedly in the power of the local education authorities to have a medical inspection. He doubted that, and, at any rate, he was not sure that the local authorities would exercise the power. The Education Bill was not yet passed and there was no means of ensuring that there should be medical inspection.

SIR FRANCIS POWELL was sorry the Amendment had not been accepted. The medical inspection of children had been adopted in Manchester and many of the great towns. He did not think they could leave entirely out of view the opinion expressed unanimously by both Houses of Parliament within the last few weeks. A clause had been adopted in the Education Bill which made it the duty of the local education authority to provide for the medical inspection of children before or at the time of their admission to a public elementary school.

DR. MACNAMARA suggested that the hon. Baronet the Member for Oxford University should use his influence with his friends in the House of Lords to pass the Education Bill. He would then have his medical inspection.

SIR FREDERICK BANBURY said that the Report of the Departmental Committee stated that a definite system of medical inspection had been established in a large number of school areas. The hon. Gentleman in charge of the Bill could not have read the Report. In view of the statement it contained the hon. Gentleman's reply was absurd.

SIR WILLIAM ANSON asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Amendments proposed to the Bill—

"In page 2, line 12, after the word 'and' to insert the words 'have ascertained that.'"

"In page 2, line 14, to leave out the word 'such.'"

"In page 2, line 14, after the word 'meals,' to insert the words 'provided under this Act.'"—(*Sir William Anson.*)

Amendments agreed to.

SIR FREDERICK BANBURY moved an Amendment requiring the consent of the local board of guardians before the Board of Education authorises expenditure out of the rates for the provision of food for necessitous children. The guardians were conversant with relief work; the education authority were not. The guardians were able to ascertain whether or not people were necessitous, but the local education authority had no machinery for doing that work. He thought the Amendment would go far to carry out the object which the hon. Gentlemen in charge of the Bill had in view, namely, that only necessitous people should be fed out of public funds.

Amendment proposed to the Bill—

"In page 2, line 15, after the second 'Board,' to insert the words 'subject to the consent of the local board of guardians.'"—(*Sir Frederick Banbury.*)

Question proposed "That those words be there inserted in the Bill."

MR. LOUGH said this had already been fully discussed, and for reasons given he could not accept the Amendment.

Question put, and negatived.

*SIR WILLIAM ANSON moved to insert after "rate" the words "during such period of time as the Board may direct." It was not desirable that because there occurred a period of distress the local authority should have the right to levy a permanent rate. He felt sure that the Parliamentary Secretary would see the necessity of imposing some limit of time for the duration of this privilege unless he wished to produce the result that the local authority should have the right to levy a permanent halfpenny rate instead of only in a temporary period of distress.

Amendment proposed to the Bill—

"In page 2, line 17, after the words 'out of the rates,' to insert the words 'during

such a period of time as the Board may direct.'"—(*Sir William Anson.*)

Question proposed, "That those words be there inserted in the Bill."

MR. LOUGH said that the Government had given very careful consideration to this Amendment, but they had come to the conclusion that it was unnecessary. The provisions of the clause were very elastic. The local authority would apply to the Board, and the Board might authorise such expenditure as was considered necessary; it was not a question of a continual rate of a halfpenny. The object the hon. Baronet had in view would be secured by the Interpretation Act, 1899, in which it was provided that the board, unless an Act expressly ordered otherwise, could withdraw an order.

*SIR WILLIAM ANSON asked who was to call the attention of the Board to the fact that a halfpenny rate was not necessary?

MR. LOUGH said that that might be done in many ways. A question might be asked and it would be fully considered.

Question put, and negatived.

MR. HUNT moved an Amendment to insert after the word "sum," the words "for necessitous children only." He wanted to make it quite clear that the rates should only be used for necessitous children.

MR. BOWLES seconded the Amendment. He had an Amendment on the Paper which raised the same point in another form. The point was of great importance. They had been told over and over again by the hon. Gentleman in charge of the Bill and by the hon. Member for North Camberwell that they need not alarm themselves as to the effect of this Bill, because in the vast majority of cases the meals would be paid for, and that the rates would only be used in very exceptional circumstances, and only in any case where the child was necessitous and the parents were unable to pay for the meals. This Amendment had the effect of carrying out those repeated assurances. The question was whether such victuals

as were paid for out of the rates were to be given to necessitous children or to the children generally. He hoped they would receive an explicit answer from the Government on that point.

Amendment proposed to the Bill—

"In page 2, line 16, after the word 'sum,' to insert the words 'for necessitous children only.'"—(*Mr. Hunt.*)

Question proposed, "That those words be there inserted in the Bill."

MR. LOUGH said that the object of the Amendment came very near to another which had been discussed an hour before. The restrictions in the Amendment differed from those in the Bill in regard to the use of the money which might be raised from the rates. The hon. Gentleman said that that money should not be used except for necessitous children. They must stick to the provisions and the restrictions which they had put into the Bill, and, as he had pointed out before, this clause must be interpreted in connection with Clauses 2 and 1 and could not be separated from them. It was an integral part of the Bill, but it could not be used without falling back upon Clauses 1 and 2. The safeguards which were provided were that, there should be no charge upon the rates unless the parent said that he was unable to pay. That was the one broad restriction imposed by the Bill. Another restriction was that the local authority should pass a resolution to the effect that some of the children in the district could not take advantage of the system of education provided for them unless they were provided with food. Those were the safeguards which were imposed, and they were the best they could invent, and whatever hon. Gentleman might think of them they must stick to them.

*SIR WILLIAM ANSON said that whatever difficulties there were in regard to the consideration of this clause the Parliamentary Secretary to the Board of Education had brought upon himself by accepting an Amendment to the clause. As the clause originally stood it referred to necessitous areas, and in regard to them the whole area was to provide a halfpenny rate. But the Amendment

accepted by the Parliamentary Secretary altered the clause materially, and it no longer dealt alone with the necessitous area, but with individual children who were alleged to be underfed. He was bound to say that after the way in which his Amendment, limiting to some period of time the operation of this clause had been dealt with, they were bound to look very carefully upon the necessary limitations to be imposed in regard to the operation of the clause. It was not the area which it was important to consider but the children. A local education authority might find that certain of the children attending the elementary schools were unable from lack of food to take advantage of the educational facilities which were supplied in those schools. The schools were unable to find money for the purpose of the provision of meals, and they had to go to the local education authority and ask for an order under which they might provide those meals. As the Bill at present stood that order might run for all time in that particular area. Under those circumstances he thought they should have to press this Amendment on the Government in order to insure that the benefits of the clause were not applied to purposes for which they were never intended, and that the children whom it was intended to benefit should receive all that they were entitled to. He urged the Government to accept the Amendment which would make it impossible so far to alter the character of the schools as to enable this halfpenny rate to be shared in by people who were perfectly well able to pay for the feeding of their own children.

*MR. CAVE said he did not wish to pledge himself to the words of the Amendment. In fact he preferred words which appeared later on the Paper and which were intended to produce the same result as this Amendment. But he was strongly in favour of the principle of this Amendment. Let them take the case of an area of an ordinary character where there were two or three children who were necessitous but no funds other than public funds were available for feeding such children. In such a case the clause as it stood appeared to empower the education authority to apply to the Board of Education for an order which would justify the authority in

providing food out of the rates, not only for the few necessitous children, but for all the children in the education area. Was it the desire of the House that in a case where there were only two or three poor children the whole of Clause 3 should be brought into operation and the cost of the food for children in the whole of the area paid for out of the rates?

MR. LOUGH: The hon. Member forgets Clause 2.

*MR. CAVE said he had not forgotten Clause 2, and he was going on to refer to it. He was obliged for the interruption because it enabled him to deal with the question. As he understood it, what that clause meant was that the authority could charge the parent of a child who was able to pay a price for the meal.

MR. LOUGH: They must charge the parent with the price of the meal.

*MR. CAVE said he agreed that they must charge for the meals, but they need not charge the cost of the meal. They were only bound to make some charge, and the amount charged might be only a fraction of the cost. That strengthened the argument in favour of the principle of this Amendment. It had been suggested that power could not be given to an authority to raise a rate to feed a few poor children. But that was the Paris system, where the parents who were able to pay paid, and the children whose parents were unable to pay got tickets which enabled them to get the meal. He had not made this speech in any spirit of interfering with the passing of the Bill, but he felt that a case in which there were only two or three children to be fed should receive further consideration.

SIR FREDERICK BANBURY said he was very much obliged to the hon. Member in charge of the Bill, because he had given him a fair indication of what he meant was safeguarded by it. He understood that one of the safeguards was that the cost of the provision of meals should be recovered from those parents who could pay, and that those who could not pay should receive the price of the meal out of the public

funds. That was an important admission, because up to the present the hon. Member had always stated that he was not going to apply this provision to all children. Now, however, the hon. Member clearly stated that meals were to be provided for all children. In other words, every child in the school was to be provided with a meal which was to be paid for out of public funds unless its parents could pay. The ratepayers would have to provide for the rest. The sum would have to come out of the rates. [Cries of "No."] If that was not so, surely there was no sense in not accepting the Amendment, because they all understood that it was really the desire of hon. Members opposite to provide meals for everybody, to recover the amount of those meals if they could, and if they could not to let it fall upon the rates.

*DR. MACNAMARA pointed out that the intention was not to provide meals for all the children out of the public rates or other public funds and get the money back when they could. The genius of this clause was to provide for the necessitous child, and to make those pay who could afford to do so. He had great sympathy with that object, but if hon. Members would look at the early parts of Clause 6 they would see that the Bill was really meant for the relief of necessitous children. It was laid down in the Bill that, where the local authority decided that there were children in their area who were unable by reason of lack of food to take advantage of the system of education provided, they should have food provided for them. Those were the necessitous children who were entitled to take advantage of the system provided. And if the funds, either charitable or otherwise, were not sufficient the local authority was given power to raise a halfpenny rate. If the words of the Amendment were put in they would be surplusage. Knowing what he did of the mysteries of the law he could assure the hon. Gentleman that he would find in the end, if his Amendment was carried, that he had put words into the Bill which would have an effect entirely different from that which he intended to bring about. For the rest, this clause was so hedged round with safeguards that public money could only

Mr. Cave.

be spent upon the children who really were suffering from want. He thought that with all the safeguards which had been applied, not only in this case, but in the case of Clause 2, they might dispose of this Amendment and proceed to the consideration of the others on the Paper.

MR. HICKS BEACH (Gloucestershire, Tewkesbury) thought that the hon. Member's argument was very much in favour of his hon. friend's Amendment, because during his argument he had used the very words which his hon. friend wished to put in. He used the words "necessitous children" and those were the words which they wished to have inserted. They wished to have it made perfectly clear that the funds which were to be raised from the rates should only be used for the purpose of assisting necessitous children. That they had always understood was the intention of the Government, but from the recent declarations of the Parliamentary Secretary to the Board of Education he understood that the intention of the Government was not to provide for necessitous children, but to provide meals for all children whose parents, whether they could pay or not, would like those meals to be provided. That was a very different thing from what they understood before. He had very considerable doubt about the advisability of putting a charge of this kind upon the rates at all, particularly after reading the evidence given before the Select Committee which dealt with this Bill. He would refer to the evidence of the gentleman who came from Bethnal Green, who said there was no difficulty at all in feeding the necessitous children, and that there was ample money in London and to spare for that purpose. Then the witness who came from West Ham said that voluntary subscriptions had met all their difficulties in feeding necessitous children in that place, and that they had no difficulty whatever in getting voluntary subscriptions. The very least the Government could do was to make their meaning quite clear by inserting words of the nature proposed, and confining the section entirely to the case of necessitous children. It was all very well to say that in the case of other people who were not necessitous the local authorities would recover the money,

but if the evidence were looked at it would be found that one witness after another stated that it was very difficult to get the money out of the parents. One witness was asked in plain terms whether the game was worth the candle, and he said that it was not, that the sum recovered was so small that it was not worth while spending money on its recovery.

MR. T. L. CORBETT appealed to the Solicitor-General to explain to the House what in his view would be the effect of this Amendment upon the clause.

*SIR W. J. COLLINS said that having served on the Committee upstairs he wished to say that if he shared the fears of hon. Members opposite that under Clause 3 public funds would be resorted to for other than necessitous children he would support the Amendment; but he was quite satisfied that that would not be possible under the Bill, inasmuch as the provisions of Clause 2 applied in these cases also.

MR. HERBERT said everyone agreed that the meals which had to be provided out of the rates should only be given to necessitous children, but he thought there was no necessity as the Bill stood for a local authority to recover the whole amount of the cost of the food given to children of parents who were not really necessitous. Probably the difficulty arose owing to Amendments made in Committee, and the wording of Clause 3 did not very well express the meaning. He would suggest that the words "in such meals" should be left out and the words "to such children" should be substituted.

MR. STANLEY WILSON thought the House required some legal advice on the point, for he failed to understand why the Government could not accept the Amendment.

THE SOLICITOR-GENERAL (Sir W. ROBSON, South Shields) was surprised that hon. Members should be so inconsistent as to expect him to explain the effect of an Amendment which they were moving. He had not had the advantage of following the debate, but he was bound to say that he did not think any prolonged or skilful inspection was necessary to see that these

words were superfluous. The word "such," especially from a legal point of view, was one of the most valuable words in the English language, and used in the clause as qualifying the word "food" it met the purpose of the Amendment. The words of the Amendment would add somewhat needlessly to the complication of the section.

*MR. CAVE suggested that in place of "such meals" the words "the food required for providing meals for such children" should be inserted.

Question put.

The House divided :—Ayes, 36 ; Noes, 244. (Division List No. 497.)

AYES.

Anson, Sir William Reynell
Banbury, Sir Frederick George
Barrie, H. T. (Londonderry, N.)
Beckett, Hon. Gervase
Bertram, Julius
Bignold, Sir Arthur
Bowles, G. Stewart
Bridgeman, W. Clive
Butcher, Samuel Henry
Carlile, E. Hildred
Cave, George
Cavendish, Rt. Hon. Victor C. W.
Corbett, T. L. (Down, North)

Courthope, G. Loyd
Craik, Sir Henry
Finch, Rt. Hon. George H.
Fletcher, J. S.
Gibbs, G. A. (Bristol, West)
Hamilton, Marquess of
Harrison-Broadley, Col. H. B.
Herbert, T. Arnold (Wycombe)
Hervey, F. W. F. (Bury S. Edmds)
Hills, J. W.
Lane-Fox, G. R.
Lyttelton, Rt. Hon. Alfred
Meysey-Thompson, E. C.

Nield, Herbert
Powell, Sir Francis Sharp
Rawlinson, John Frederick Peel
Rutherford, W. W. (Liverpool)
Smith, F. E. (Liverpool, Walton)
Starkey, John R.
Valentia, Viscount
Whitehead, Rowland
Wilson, A. Stanley (York, E. R.)
Younger, George

TELLERS FOR THE AYES.—Mr. Hicks Beach and Mr. Hunt.

NOES.

Abraham, William (Rhondda)
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Allen, Charles P. (Stroud)
Armstrong, W. C. Heaton
Astbury, John Meir
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Baring, Godfrey (Isle of Wight)
Barnard, E. B.
Barnes, G. N.
Barry, E. (Cork, S.)
Beauchamp, E.
Beaumont, Hn. W. C. B. (Hexham)
Bellairs, Carlyon
Benn, Sir J. Williams (Devonport)
Benn, W. (T. W. Hamlets, S. Geo.)
Bethell, Sir J. H. (Essex, Romford)
Birrell, Rt. Hon. Augustine
Black, Alexander Wm. (Banff)
Boland, John
Bowerman, C. W.
Brace, William
Bramson, T. A.
Branch, James
Brigg, John
Brocklehurst, W. B.
Brodie, H. C.
Brooke, Stopford
Burke, E. Haviland
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Carr-Gomm, H. W.
Causton, Rt. Hon. Richard Knight
Cawley, Sir Frederick
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.

Clough, William
Cobbold, Felix Thornley
Cogan, Denis J.
Collins, Stephen (Lambeth)
Collins, Sir Wm. J. (St. Pancras, W.)
Cooper, G. J.
Corbett, C. H. (Sussex, E. Grinstead)
Cornwall, Sir Edwin A.
Cotton, Sir H. J. S.
Cowan, W. H.
Crean, Eugene
Cremer, William Randal
Crooks, William
Crosfield, A. H.
Davies, W. Howell (Bristol, S.)
Delany, William
Dewar, Arthur (Edinburgh, S.)
Dewar, John A. (Inversness-sh.)
Dickinson, W. H. (St. Pancras, N.)
Dickson-Poynder, Sir John P.
Dillon, John
Dobson, Thomas W.
Dolan, Charles Joseph
Duncan, C. (Barrow-in-Furness)
Duncan, J. H. (York, Otley)
Dunn, A. Edward (Cambridge)
Edwards, Clement (Denbigh)
Edwards, Frank (Radnor)
Evans, Samuel T.
Everett, R. Lacey
Farrell, James Patrick
Fenwick, Charles
Ferens, T. R.
Ferguson, R. C. Munro
Ffrench, Peter
Findlay, Alexander
Freeman-Thomas, Freeman
Fuller, John Michael F.
Fullerton, Hugh

Gibb, James (Harrow)
Gill, A. H.
Gladstone, Rt. Hon. Herbert John
Goddard, Daniel Ford
Gulland, John W.
Gwynn, Stephen Lucius
Haldane, Rt. Hon. Richard B.
Hall, Frederick
Hardie, J. Keir (Merthyr Tydfil)
Hart-Davies, T.
Harvey, A. G. C. (Rochdale)
Haslam, Lewis (Monmouth)
Haworth, Arthur A.
Hayde, John Patrick
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Herbert, Colonel Ivor (Mon., S.)
Higham, John Sharp
Hobart, Sir Robert
Hobhouse, Charles E. H.
Hogan, Michael
Horniman, Emslie John
Hudson, Walter
Idris, T. H. W.
Illingworth, Percy H.
Jackson, R. S.
Jenkins, J.
Johnson, John (Gateshead)
Jones, Leif (Appleby)
Jowett, F. W.
Joyce, Michael
Kekewich, Sir George
Kelley, George D.
Kincaid-Smith, Captain
Law, Hugh A. (Donegal, W.)
Leese, Sir Joseph F. (Accrington)
Lehmann, R. C.

Sir W. Robson.

Lever, A. Levy (Essex, Harwich)
 Levy, Maurice
 Lewis, John Herbert
 Lloyd-George, Rt. Hon. David
 Lough, Thomas
 Lupton, Arnold
 Luttrell, Hugh Fownes
 Lyell, Charles Henry
 Macdonald, J. M. (Falkirk B'ghs)
 Macnamara, Dr. Thomas J.
 MacNeill, John Gordon Swift
 Macpherson, J. T.
 MacVeagh, Jeremiah (Down, S.)
 MacVeigh, Charles (Donegal, E.)
 M'Callum, John M.
 M'Crae, George
 M'Killip, W.
 M'Laren, Sir C. B. (Leicester)
 M'Micking, Major G.
 Manfield, Harry (Northants)
 Marks, G. Croydon (Launceston)
 Massie, J.
 Meagher, Michael
 Meehan, Patrick A.
 Micklem, Nathaniel
 Money, L. G. Chiozza
 Morgan, G. Hay (Cornwall)
 Morton, Alpheus Cleophas
 Murnaghan, George
 Murphy, John
 Newnes, F. (Notts, Bassetlaw)
 Nicholls, George
 Norton, Capt. Cecil William
 Nuttall, Harry
 O'Brien, Kendal (Tipperary Mid)
 O'Brien, Patrick (Milkenny)
 O'Connor, John (Kildare, N.)
 O'Connor, T. P. (Liverpool)
 O'Doherty, Philip
 O'Donnell, C. J. (Walworth)
 O'Donnell, John (Mayo, S.)
 O'Donnell, T. Kerry, W.)
 O'Grady, J.
 O'Hare, Patrick

O'Malley, William
 O'Mara, James
 O'Shaughnessy, P. J.
 Parker, James (Halifax)
 Paul, Herbert
 Pearce, Robert (Staffs. Leek)
 Pickersgill, Edward Hare
 Pirie, Duncan V.
 Pollard, Dr.
 Power, Patrick Joseph
 Price, C. E. (Edinburgh, Central)
 Priestley, W. E. B. (Bradford, E.)
 Radford, G. H.
 Rainy, A. Rolland
 Reddy, M.
 Redmond, John E. (Waterford)
 Redmond, William (Clare)
 Richards, Thomas (W. Monm'th)
 Richards, T. F. (Wolverhampton)
 Rickett, J. Compton
 Riddale, E. A.
 Roberts, Charles H. (Lincoln)
 Roberts, G. H. (Norwich)
 Robertson, Sir G. Scott (Bradford)
 Robinson, S.
 Robson, Sir William Snowdon
 Roe, Sir Thomas
 Rogers, F. E. Newman
 Runciman, Walter
 Russell, T. W.
 Samuel, Herbert L. (Cleveland)
 Scott, A. H. (Ashton under Lyne)
 Sears, J. E.
 Seaverns, J. H.
 Seely, Major J. B.
 Shackleton, David James
 Shaw, Rt. Hon. T. (Hawick, B.)
 Sherwell, Arthur James
 Shipman, Dr. John G.
 Silcock, Thomas Ball
 Simon, John Allsebrook
 Sinclair, Rt. Hon. John
 Smeaton, Donald Mackenzie
 Smyth, Thomas F. (Leitrim, S.)

Soares, Ernest J.
 Steadman, W. C.
 Stewart, Halley (Greenock)
 Strachey, Sir Edward
 Straus, B. S. (Mile End)
 Sullivan, Donal
 Summerbell, T.
 Taylor, John W. (Durham)
 Taylor, Theodore C. (Radcliffe)
 Tennant, Sir Edward (Salisbury)
 Thomas, Sir A. (Glamorgan, E.)
 Thompson, J. W. H. (Somerset E.)
 Thorne, William
 Tomkinson, James
 Trevelyan, Charles Philips
 Verney, F. W.
 Walsh, Stephen
 Walters, John Tudor
 Walton, Sir John L. (Leeds, S.)
 Ward, John (Stoke upon Trent)
 Ward, W. Dudley (Southampton)
 Wardle, George J.
 Wason, Eugene (Clackmannan)
 Watt, H. Anderson
 Wedgwood, Josiah C.
 Whitbread, Howard
 White, George (Norfolk)
 White, J. D. (Dumbartonshire)
 White, Luke (York, E.R.)
 White, Patrick (Meath, North)
 Whitley, J. H. (Halifax)
 Whittaker, Sir Thomas Palmer
 Wiles, Thomas
 Williams, J. (Glamorgan)
 Williamson, A.
 Wilson, Henry J. (York, W.R.)
 Wilson, J. W. (Worcestershire, N.)
 Wilson, P. W. (St. Pancras, S.)
 Wilson, W. T. (Westhoughton)

TELLERS FOR THE NOES.—
 Mr. Whiteley and Mr. J. A. Pease.

*MR. CAVE moved to leave out the word "section" in line 18, and insert the word "Act." Under the clause as it stood the local authority could not spend more than a halfpenny rate for the provision of food, but they could spend more upon providing the meal and serving it, and this was what he wished to limit. The original intention of this Bill was to limit the entire expenditure under it to a halfpenny rate, and that was the object of his proposal. The insertion of limits of this kind very often produced economy and prevented extravagance. He begged to move.

MR. STANLEY WILSON seconded the Amendment.

Amendment proposed to the Bill—

"In page 2, line 18, to leave out the word 'section' and to insert the word 'Act.'"—
 (Mr. Cave.)

Question proposed, "That the word proposed to be left out stand part of the Bill."

MR. LOUGH said it was impossible to accept this Amendment. The Government wished the machinery provided in Clauses 1 and 2 to stand quite apart from Section 3, which dealt with the amount of the rate the local authority might impose. The effect of the Amendment would be that no machinery could be provided, and that no canteen could be opened on what might be called

voluntary principles. The local authority would have to levy the halfpenny rate before effect could be given to Clause 1 if they adopted the Amendment.

SIR FRANCIS POWELL said the Committee recommended that the local authority might have recourse to the rates for the provision of the cost of the actual food, the local rate for this purpose in no case to exceed a halfpenny in the pound.

Amendment negatived.

Amendments proposed to the Bill—

"In page 2, line 19, after the first word 'any,' to insert the words 'local financial.'"

"In page 2, line 19, to leave out from the word 'year,' to the word 'shall,' in line 21."—(*Mr. Lough.*)

Amendments agreed to.

SIR FREDERICK BANBURY moved to omit line 27, the effect of which Amendment would be to disfranchise parents who did not pay for meals with which their children had been provided. He believed that disability should be put on a parent if he did not pay. Whatever might be said to the contrary, a parent became a pauper if he did not pay. The Amendment would not disfranchise a parent who paid for the meals supplied to his child.

MR. HICKS BEACH, in seconding the Motion, said if parents who did not pay for the meals were not disfranchised a real injustice would be inflicted on those who did pay. Under the Transvaal Constitution which had just been published it was proposed that people who had received relief within six months before the election were to be disfranchised. It seemed to him that the Government ought to accept the Amendment.

Amendment proposed to the Bill—

"In page 2, to leave out line 27."—(*Sir Frederick Banbury.*)

Question proposed "That the words proposed to be left out stand part of the Bill."

MR. LOUGH said it was the intention of the Government that disfranchisement
Mr. Lough.

should not take place for the supplying of meals under the Act. The tendency in Acts of this kind, for many years past, had been not to impose the heavy penalty of disfranchisement under circumstances such as this Bill would set up. He might mention that under the Vaccination Act of 1867, the Elementary Education Act of 1870, the Medical Relief Act of 1885, and the Public Health Act of 1891, those who accepted relief were not disqualified from voting. They lectured a parent who had not paid, they sent him a bill, they tried to make him pay, and, in the last resort, they could send him to gaol. If they did all these things for the price of a meal, he thought they might say they had done enough.

MR. ARTHUR HENDERSON thought the hon. Gentleman in charge of the Bill might have given the House one more instance. Last year the late Government in the Unemployed Bill specially laid it down that no disfranchisement would follow on receipt of relief in regard to employment.

MR. WILLIAM RUTHERFORD appealed to his hon. friend to withdraw his Amendment.

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 2, line 30, to leave out from the word 'disability,' to end of clause."—(*Mr. Lough.*)

"In page 3, line 12, at the end, to add the words 'or in the collection of the cost therefore.'"—(*Mr. Lane-Fox.*)

Amendments agreed to.

*SIR HENRY CRAIK (Glasgow and Aberdeen Universities) said he must ask the indulgence of the House for a few minutes in order to raise a very important question in moving the rejection of Clause 7. Two Bills were originally introduced, one dealing with England and the other with Scotland. The English Bill was discussed at considerable length, and the Scottish Bill was passed at eleven o'clock without the slightest discussion. The latter Bill

was cast in a very different form from when it came down from the Select Committee. The Select Committee heard ample evidence. Those who on that Committee were acting with him had nothing to do with the summoning of the four witnesses from Scotland who were examined. Everyone of those witnesses unhesitatingly condemned this Bill, and indicated that there was no general opinion in Scotland in favour of it. Their evidence also showed that there were resources of private charity in the large towns and cities and also in the country districts which were amply sufficient to meet all necessitous cases. The Bill was based on English conditions and on English statute law and altogether disregarded the position in Scotland. He had had to do with the administration of education in Scotland as permanent head of the Education Department for over twenty years, and during the whole of that time he had urged that Scotland should be dealt with by separate Acts of Parliament if it was to be dealt with at all satisfactorily in the interest of the public service. One instance he would give where that course had not been followed, and where Scotland had been compelled to accept a Bill which dealt primarily with England. He meant the Teachers' Superannuation Act. He knew from his own experience that that Act had worked untold hardships on the teaching profession in Scotland, and had seriously interfered with the work of education in Scotland. He did not think that the hon. Member for East Edinburgh and the hon. Member for the Dumfries Burghs, who were both intimately acquainted with the administration of education in Scotland, would be inclined to differ from him in his argument that separate Acts in regard to education were absolutely necessary if the work of education in Scotland was to be conducted satisfactorily. He asked the House to consider whether it was a fair way to deal with Scotland to introduce this clause, which implied a very large change in the social and economic condition of one kingdom on principles which were applicable solely to another. The Bill had received absolutely no discussion on the Second Reading, and only four witnesses from Scotland had been examined in regard to it before the

Select Committee, all of whom were opposed to its provisions. It was passed in that Committee in spite of the hostile attitude of many Members, including many hon. Members opposite. It was he himself who moved that hostile Motion, and as he had said, many Ministerialists supported him, and the Scottish application was passed by one vote only. He would ask hon. Members what would have happened if in a Select Committee dealing with a Bill relating to England a proposal was carried in the teeth of a unanimous body of adverse evidence against the Bill? The Bill might be a good one or it might be a bad one. It might have points in it which were for the advantage of Scotland; but Scotland had a right to be consulted and to have a separate Bill laid before the country so that Scottish Members could obtain a distinct expression of opinion from their constituents. What was the evidence from Scotland beyond the evidence which came from that country? [Cries of "The Royal Commission."] In regard to the Royal Commission no one was more responsible for getting it appointed than he was himself. He sat upon it, and he was prepared to adhere to every word of the Report of that Commission. He would like to ask the hon. Gentleman opposite if he was prepared to adhere to the Report of that Commission? If he had so adhered they would have had a very different Bill from that which they were now discussing. But they were not confined to the evidence of the witnesses before the Royal Commission, because before the Select Committee they had the evidence from all the great Boards in Scotland, including witnessess from Edinburgh, Glasgow, Dundee, and Govan, and they all spoke against this proposal. Indeed he knew of no evidence in its favour from any school board or any body in connection with them. None of them had passed resolutions in favour of the Bill. It was only that day that he heard that the Association of School Boards, representing the whole of the School Boards of Scotland, came to a resolution adverse to this Bill. He would quote one opinion which he was sure would have some weight. It was that of Miss Flora Stevenson, who had carried on a very useful work in connection with school boards in Scotland. Miss Stevenson had been

removed from their midst, but it was only a short time ago that she received the very fitting honour of being admitted to the freedom of the city of Edinburgh. On that occasion she spoke some words which in his opinion were prophetic. She said that they had in Edinburgh for thirty years tried to solve the problem of dealing with destitute children, and she thought that it would be an evil day for Scotland if the Legislature put upon the school boards the duty of providing meals for underfed children. He wished to ask this question. Was this Bill fit for Scotland, and did it take into account the conditions under which Scotsmen lived? In conversation the other day with the Secretary for Scotland he pointed out that he felt some difficulty about the exclusion of voluntary schools from the aid which was given under the Bill. The Bill was drawn for schools under educational authorities in England, but it entirely disregarded the position of Scotland, in which there were voluntary as well as rate aided schools. He had pointed that out to the Secretary for Scotland and alluded to the difficulty which he felt. The conversation took place at one o'clock, and afterwards, between one and three o'clock, Amendments were put upon the Paper without being entered upon the votes which completely changed the system in Scotland. That motion was made by the Secretary for Scotland with scarcely a word of explanation, and it provided that these voluntary schools should be aided from the rates. He was very glad to find such a thing done, but he was surprised to find that it had been received with such ready assent from hon. Members opposite. He thought however that hon. Members would agree that a momentous change of that sort ought not to be made by such methods and by an Amendment put down at two or three o'clock on a Saturday morning. Did hon. Members understand what this meant? These institutions had no connection with municipal bodies, and yet they were to receive assist-

Sir Henry Craik.

ance from the rates in regard to the furnishing of lands, buildings, officers, and other services. They would have to build additional rooms and furnish them, and in this way they would incur great expense. Another objection was that while under the Education Act medical inspection was given in England no such provision was given in Scotland, but this Bill ought to be based on a previous medical inspection. All ill health and all mal-nutrition were not due to a failure to provide food, and the Government had not adopted as part of the Bill a provision for medical inspection in the case of Scotland. He thought it was only fair that a similar provision should be made for Scotland as was made for England. Not only that, but in England they had local education authorities which were municipal bodies. These bodies dealt with a large range of population and dealt with it in a variety of aspects. What was the case in Scotland? The school boards were nearly a thousand in number, and many of these were small boards scattered over small areas in the country. They were told that the Bill was optional. That in Scotland would be one of its chief disadvantages, because some small school board might adopt it and so force the hands of their neighbours all over the length and breadth of Scotland. Was that a fair way of conducting legislation? He asked that they should be given a Bill of their own based upon their statute law and suitable specially to the needs of Scotland. It was for these reasons that he, apart from any objection to the Bill, asked that Scotland should have the opportunity of dealing with the measure in her own way after the chief authorities of the country had been consulted. Therefore he begged to move the omission of the clause.

MR. BARRIE (Londonderry, N.) seconded.

Amendment proposed—

"In page 3, line B, to leave out Clause 7."
—(*Sir Henry Craik.*)

Question proposed, "That Clause 7 stand part of the Bill."

MR. McCRAE (Edinburgh, E.) said that a great service had been rendered to the cause of education in Scotland by the hon. Member who had just spoken, and he congratulated him on his speech, which was national rather than imperial in tone, and he was not sure that his broadness of doctrine would be appreciated upon the side of the House upon which he sat. He had yet to learn, however, why this Bill should not be applied to Scotland? It was said that it was not necessary in Scotland, but he could assure the hon. Gentleman that from official inquiries that had been made by the Royal Commission there was great need for this Bill in Scotland, and he went so far as to say that if Scotland was excluded from the operation of the Bill it would be a great injustice to that portion of the Kingdom. The hon. Gentleman had said that they ought to have a separate Act for Scotland, and no doubt in many cases a separate Act was advisable. But this Bill was so simple that he really did not think it was necessary to bring forward a separate measure. When hon. Members talked at length on the clauses of a small Bill such as this, if the case of Scotland was not considered on a Saturday morning till three o'clock, he was afraid that the responsibility for that condition of affairs rested upon hon. Members around him, but it was not encouraging to them to bring in a separate Bill for Scotland. The hon. Member seemed to think that Scotland was not in favour of this Bill, but at a meeting held in Edinburgh they were unanimously of opinion that this clause should apply to Scotland. The hon. Member had referred to the recommendations of the Royal Commission. He said that they would not go the length of recommending State aid for the feeding of children. But the Royal Commission of which the hon. Member was a distinguished member said, and in doing so went beyond their remit,

that food should be given at schools in certain cases and that the charge should fall upon the rates. He quite agreed that the Royal Commission did not recommend that the meal should be provided by the local education authority, but they did advise that in certain cases the expense should fall upon the rates. Did the hon. Gentleman remember the evidence put before the Royal Commission by the Member for Oswestry, who was chairman of the Physical Training Sub-committee of the London School Board? The hon. Member told them that all these things could be done by voluntary effort. He said he was quite sure that there were no children really underfed now in the London Board Schools. The Commission accepted his evidence as to be relied upon, but he was afraid that the evidence they had got since showed that that opinion was not accurate, and he was sure the hon. Member himself would bear him out in this sense, that if it had been pointed out to the Royal Commission that the state of affairs in London had been as it now was they would have found that it could not be met by voluntary effort. He did not hesitate to say that the Royal Commission, feeling the great importance of this question, and recognising the necessities of large towns like Edinburgh and Glasgow, went outside their remit and recommended that something should be done. He would say, moreover, that not only in the towns but in the rural districts there was great necessity for these provisions, and he could not imagine how any Member from Scotland could advocate that that country should be denied of her share of the privileges of the Act.

THE SECRETARY FOR SCOTLAND (MR. SINCLAIR, Forfarshire) said the Government could not accede to the Amendment. He did not share the hon. Baronet's opinions as to the feelings of Scotland with regard to the Bill. The real answer to the opposition was that it was open to local authorities to apply the Bill if they wished. There was

evidence of physical deterioration in Scotland as in England, as there was evidence of the existence of parents who were unable to fulfil their parental obligations. He did not see how it would be possible or proper to pass this Bill without extending its provisions to Scotland. The small Amendments made at his instance in the Bill during the Committee stage were not proposed without full consideration. Under the Education Acts for Scotland, while the school boards had no obligations to the voluntary schools, they had obligations to the children, and it was a short but perfectly legitimate step that the obligation should be extended in respect of this matter, and that the children of all schools should be treated alike.

MR. GULLAND (Dumfries Burghs) agreed that Scotland should be treated by separate Acts, if they could get them; but during the long life of the late Government no fewer than three Education Bills were introduced for Scotland and all three failed to pass, and in a matter such as this where they could get a Scottish reform in a general Bill they should have it. The opposition was by no means so strong as it was before the inquiry of the Select Committee.

SIR HENRY CRAIK: The Edinburgh School Board petitioned since this Bill passed through Committee.

MR. GULLAND admitted that the majority on the Edinburgh School Board was at first eleven to two, and on the amended Bill nine to five, showing that opinion was changing. The inquiry that had recently taken place in the poorest parts of Edinburgh in respect to the children had shown the great necessity

Mr. Sinclair.

for work of this kind. The voluntary funds in Edinburgh often ran short and the meals had to be stopped. This Bill was required not only in the large cities, but in the country districts of Scotland, where children came long distances to school, often in bad weather.

MR. C. E. PRICE (Edinburgh, Central) said the opposition of the hon. Baronet came ill from one representing a body of men so far removed from poverty. He (Mr. Price) represented a district largely composed of people who would benefit by the passing of the Bill, and where it was urgently needed. The Bill need not apply to Scotland unless the people liked it, and in that sense it was truly Home Rule. The treatment this measure had received from the point of view of Scotland showed the necessity of having a Parliament to settle their own affairs.

Question put.

The House proceeded to a division, and Mr. SPEAKER stated that he thought the Ayes had it; and, on his decision being challenged, it appeared to him that the division was frivolously claimed, and he accordingly called upon the Members who challenged his decision to rise in their places, and he declared the Ayes had it, thirteen Members only who challenged his decision having stood up.

Bill read the third time, and passed.

Whereupon Mr. SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at twenty-four minutes after Twelve o'clock.

HOUSE OF LORDS.

Friday, 14th December, 1906.

PRIVATE BILL BUSINESS.

Ardrossan, Salcoats and District Tramways Order Confirmation Bill [H.L.]; Read 3^a (according to order); Amendments made, Bill passed, and sent to the Commons.

Dunfermline and District Tramways Order Confirmation Bill [H.L.]; Read 3^a (according to order); an Amendment made, Bill passed, and sent to the Commons.

Dumbartonshire Tramways Order Confirmation Bill [H.L.]; Read 3^a (according to order); Amendments made, Bill passed, and sent to the Commons.

Falkirk and District Tramways (Extensions) Order Confirmation Bill. (No. 246.) Edinburgh Suburban Electric Tramways Order Confirmation Bill. (No. 247.) Brought from the Commons. Read 1^a; to be printed; and (pursuant to the Private Legislation Procedure (Scotland) Act, 1899), deemed to have been read 2^a; (The Lord Hamilton of Dalzell), and reported from the Committee, and Bills to be read 3^a on Monday next.

PETITIONS.

EDUCATION (ENGLAND AND WALES) BILL.

Petition against; of inhabitants of parish of Fretherne; read, and ordered to lie on the Table.

BUSINESS OF THE HOUSE.

THE LORD PRIVY SEAL (The Marquess of RIPON): My Lords, I beg to move, in accordance with the notice I have given, that Standing Order No. XXXIX. be considered in order to its being suspended for the remainder of the session. I may say that I have not the slightest intention of applying that Motion to any contested matter if I can possibly help it.

Moved, "That Standing Order No. XXXIX. be considered in order to its being suspended for the remainder of the session."—(The Marquess of Ripon.)

On Question, Motion agreed to; and ordered accordingly.

TOWN TENANTS (IRELAND) BILL.

Order of the Day read for receiving the Report of Amendments.

LORD DENMAN: My Lords, in rising to move that this Report be now received I desire to make a brief statement with regard to some observations made by my noble friend opposite, Lord Mayo, on an earlier stage of the Bill. I ought no doubt to have challenged the statement when it was made, but I ask the leave of your Lordships to call attention to it on this occasion. The statement made by the noble Earl was to the effect that Sir Antony MacDonnell went down to Loughrea to quell a disturbance that arose there, and threw out a suggestion that he would facilitate the passage of the Town Tenants (Ireland) Bill through Parliament or possibly introduce some particular clause into the Bill. I desire to say, on Sir Antony's behalf, that that was not the case. He went down to Loughrea to quell what might have been a very awkward disturbance, and he was successful in the accomplishment of that very difficult task; but he gave no such pledge and made no such statement as the noble Earl suggested in his speech the other night. This is what occurred at the conference at Loughrea. A certain gentleman named Duffy asserted that the Under-Secretary had given some undertaking with regard to the passage of this Bill through Parliament; but Sir Antony MacDonnell then said—

"I gave no such pledge from the beginning to the end of this transaction. The Chief Secretary has given no pledge in connection with this business, and I myself have given no pledge whatever. I have most carefully avoided the discussion of any matter except the question of the cessation of resistance to the execution of the sheriff's writ."

The whole of the representations made by Sir Antony at the conference held at Loughrea were as to the absolute

unwisdom of pushing to any further extremes the resistance to the execution of the sheriff's writ. I am quite sure the noble Earl opposite would not desire to misrepresent the action or words of anyone, and, after what I have said, he will probably wish to withdraw what he stated the other night. I think it is only the barest justice to a distinguished public servant like Sir Antony MacDonnell that I should make the brief statement that I have thought it my duty to make on this Motion.

Moved, "That this Report be now received."—(Lord Denman.)

THE EARL OF MAYO: My Lords, I should like to say, first, that I am extremely obliged to the noble Lord for his courtesy in giving me notice last night of his intention to make this statement. I am very sorry that any words that fell from me should have hurt Sir Antony MacDonnell's feelings. He is an official for whom I have the greatest respect. His Indian record was quite sufficient, especially for one who bears the name I bear, to make me respect him. If Sir Antony MacDonnell's visit to Loughrea was construed by everybody in Ireland to mean quite a different thing from what he really went down for, it was the fault of His Majesty's Government; because in May, on the Second Reading of the Bill, the Attorney-General for Ireland pointed out that—

"It was the principle of compensation for disturbance as applied to agricultural holdings that undoubtedly led to the fixing of fair rents, and, directly they admitted the principle of compensation for disturbance in the case of town tenants, it became necessary to consider the propriety of fixing fair rents, and he thought the House should pause and consider whether it was right to allow rents to be fixed on all shops and houses held for the purpose of residence."

Then in June the Loughrea evictions took place, and the whole of the Press in Ireland took Sir Antony MacDonnell's visit to mean that the Town Tenants Bill was going to be taken up by the Government. This view was taken not only in the Unionist Press, but the *Freeman's Journal* stated that the part taken by Sir Antony MacDonnell in the Loughrea incident pledged him to make representations to the Govern-

Lord Denman.

ment as to the necessity of passing this session a moderate and sufficient Town Tenants Bill; and that Sir Antony's representations could not, without personal slight, be refused. Then there was a Town Tenants League meeting in Dublin, presided over by Mr. Field, M.P., and at that meeting the Secretary of the League reiterated exactly what the *Freeman's Journal* had said. The matter with regard to Sir Antony MacDonnell is between Sir Antony and myself. I repeat that I am very sorry that any words that fell from me should have hurt Sir Antony's feelings, and when I see him in Dublin, as no doubt I shortly will, I shall have pleasure in telling him so.

THE MARQUESS OF RIPON: My Lords, I am very sorry to prolong this discussion at a moment when your Lordships want to get on with the business. But I must say this. I know Sir Antony MacDonnell very well. I have known him for many years. I was associated with him in India and know him to be a man of the highest possible honour, and I am quite sure the noble Earl opposite fully accepts Sir Antony MacDonnell's statement.

THE EARL OF MAYO: Yes.

THE MARQUESS OF RIPON: I am very glad to hear that the noble Earl accepts that statement. It really does not matter what was said in this newspaper or in that. The question is whether Sir Antony MacDonnell's statement is to be received or not. The noble Earl frankly and honourably accepts Sir Antony's statement; and there is nothing more to be said.

*THE MARQUESS OF LANSDOWNE: My Lords, I think we are indebted to my noble friend behind me (the Earl of Mayo) for having elicited from the noble Lord who spoke just now a categorical contradiction of a mischievous rumour which has been widely circulated with regard to an alleged transaction between the Under-Secretary and persons involved in the regrettable occurrences at Loughrea. I venture to express agreement with what was said

by my noble friend just now when he suggested to your Lordships that if any misconception arose on this point it was very largely due to the sudden *volte face* of His Majesty's Government upon this most important question of compensation for disturbance. My noble friend quoted from the statements of the Attorney-General for Ireland—

THE EARL OF MAYO: I took the passage from *Hansard*.

*THE MARQUESS OF LANSDOWNE: The noble Earl quoted a passage showing that as lately as May last His Majesty's Government were apparently wholly opposed to the principle of compensation which we now find in this Bill. The principle of compensation is now accepted by the Government; and in the circumstances it really is not surprising that people with ingenious minds should search for a reason to explain so sudden a change of front. Anyhow, I hope the discussion which has taken place has cleared the air, and I do not desire to prolong it.

On Question, Motion agreed to.

THE EARL OF MAYO moved an Amendment to Clause 2 (limitation of tenant's right in certain cases), the object of which was to make it clear that the granting of a building lease was regarded in the Bill as a valuable consideration. He said the question whether a building lease was a valuable consideration was a matter of great dispute among lawyers. In the House of Commons the Attorney-General for Ireland had declared that the lease in itself was a valuable consideration. If that was so, the words in his Amendment should be inserted to make that point clear and to prevent litigation. He felt that there was really very little margin left in Ireland for argument by legal gentlemen. Already a great deal of the money of landlords and tenants had gone into the pockets of the lawyers, and unless the Committee agreed to the insertion of the words "including a building lease" in this clause he saw a great prospect of more money going in the same direction. On broad grounds he thought it advisable that his Amendment should be inserted.

Amendment moved—

"In page 2, line 23, after the word 'consideration' to insert the words 'including a building lease.'"—(*The Earl of Mayo*.)

LORD DENMAN did not think any very great harm would be caused if these words were inserted, but he submitted that they were unnecessary, as the point was already covered by subsection (4) of Clause 3.

LORD ASHBOURNE said that was the subsection the noble Earl was seeking to amend.

LORD DENMAN said his point was that building leases were already, by this subsection, excluded from the provisions of the Bill. He understood, moreover, that the words in the subsection met the objection of Sir E. Carson on this point.

LORD ASHBOURNE thought it would be wiser and more prudent to insert the words of the Amendment. He had no doubt that the Government and the Attorney-General for Ireland intended this clause to have the effect of excluding building leases, but it was a great deal better to say so clearly. The insertion of the words could do no possible harm.

THE LORD PRESIDENT OF THE COUNCIL (*The Earl of CREWE*): The point is not a very important one, and I am anxious not to waste any time over it. But I should like to put it to the noble and learned Lord whether, if you use the words "a valuable consideration" and then particularly mention a building lease, it would not seem to imply that a building lease is not a contract for valuable consideration.

LORD ASHBOURNE: The word "including" would meet that.

THE EARL OF CREWE: If the Amendment is pressed we shall not resist it.

On Question, Amendment agreed to.

LORD DUNBOYNE had three Amendments on the Paper to Clause 3, the effect of which was to make Clause 3 read—

"Where a tenant of a holding proposes to make improvements in his holding, he shall

send to his landlord notice, in the prescribed manner, of his intention to make such improvements, together with a specification and plan of the proposed improvements, and if the landlord or his known agent, does not within three months after the receipt of the notice send notice of objection, in the prescribed manner, to the tenant, the tenant may proceed to make the proposed improvements; but if the landlord or his agent sends such notice, etc."

Amendment moved—

"In page 2, line 27, to leave out the word 'or' and to insert the word 'and.'"—(*Lord Dunboyne.*)

LORD DENMAN said it might save time if he stated at once that the Government were willing to accept the Amendment just moved and the other two Amendments to this Clause standing in the name of Lord Dunboyne.

On Question, Amendment agreed to.

Amendments moved—

"In page 2, line 28, to leave out the words 'in his absence'; and in line 32, after the word 'landlord' to insert the words 'or his agent.'"—(*Lord Dunboyne.*)

On Question, Amendments agreed to.

LORD ORANMORE AND BROWNE moved an Amendment to alter the interest on the sum payable for a period of twenty five years from £3 per cent. per annum to £4 per cent. He said it was his intention to have moved this Amendment in the Committee stage, but by some mistake the Amendment was not put on the Paper. The subsection in which his Amendment came was intended to provide that the landlord might, if he chose, make the necessary improvements himself. He thought their Lordships would all agree that this was a very desirable provision, as it would prevent much friction and litigation on the termination of a lease. It was provided that repayment might be made in two ways. The landlord might either charge the tenant a sum not exceeding £5 per cent. per annum on the money expended, or, if the tenant preferred it, the tenant might agree to pay such annual sum for a period of twenty-five years as would repay the outlay in the said period, with interest at the rate of £3 per cent. per annum. His Amendment was to insert "£4" instead of

Lord Dunboyne.

"£3" per cent. His reasons for moving this Amendment were two. In the first place, owing to the legislation of the last thirty years, landlords in Ireland were impoverished and had not the capital to effect the improvements and would necessarily have to borrow; and, in the second place, again owing to the action of legislation, the value of land had depreciated in Ireland and it was extremely difficult for landlords to borrow at all on it. It was quite evident, at any rate, that no landlord would be able to borrow at less than 4 per cent. If the Government could not see their way to accept his Amendment he suggested, as an alternative course, that they should permit the Board of Works to advance money to landlords for this purpose, the landlord in no case charging the tenant more than he paid himself. The Board of Works charged interest at the rate of 3½ per cent. on the money lent by them to landlords; that was to say, the Government, as represented by the Board of Works, did not think it safe to lend money at less than 3½ per cent.; yet in this Bill they were expecting the landlord to be satisfied with only 3 per cent.

Amendment moved—

"In page 3, line 10, to leave out the word 'three' and to insert the word 'four'".—(*Lord Oranmore and Browne.*)

LORD DENMAN regretted that he was unable to accept the Amendment. The noble Lord had argued as if the landlord would be compelled under the Bill to borrow money. This was only a provisional clause empowering the landlord, if he chose, to execute the improvement himself. There was no obligation on the landlord to borrow money, and therefore he did not see why the rate of interest should be raised in order to enable him to do so. The Government were of opinion that 3 per cent was a reasonable rate of interest, and that 4 per cent. would in the circumstances be exorbitant. The landlord had perfect security for the repayment of the money he expended since he had a reversion on the property and would be repaid the capital sum in twenty-five years.

LORD ORANMORE AND BROWNE admitted that it was only optional as far

as the landlord was concerned, but said it was eminently desirable that the improvement should be made by the landlord and not by the tenant, in order to avoid the litigation and friction that would otherwise constantly arise. As to 4 per cent. being an exorbitant rate of interest, he repeated that the Board of Works charged $3\frac{1}{2}$ per cent.

THE EARL OF CREWE: I hope the noble Lord will not press his Amendment. It really is a question of security, and the security for the money is so good that there is no reason whatever for a rate of more than 3 per cent. per annum. If the rate of interest were higher on such a gilt-edged security as this I imagine landlords would be tempted to execute improvements of all kinds in anticipation of obtaining this remarkably good investment for their money.

THE EARL OF DUNRAVEN agreed with the noble Earl the Lord President that 3 per cent. was a sufficiently high rate of interest. It had occurred to him that the tenant would be in considerable doubt whether to consent to be charged 5 per cent. on the outlay incurred, or 3 per cent. and a sufficient sum to liquidate the cost of the improvement in twenty-five years. He thought it would be simpler if a specified sum were mentioned showing how much more it would cost to liquidate the outlay in twenty-five years.

*THE MARQUESS OF LANSDOWNE: I am not quite sure whether I agree with the noble Earl the Lord President in thinking that an investment of this kind is a gilt-edged one which would afford great attractions to any one desiring to invest his money with absolutely complete security. But be that as it may, I cannot advise my noble friend to press his Amendment. There is some force in what the noble Lord opposite has said as to the matter being an optional one.

Amendment, by leave, withdrawn.

LORD DENMAN moved an Amendment to Clause 5 (compensation for unreasonable disturbance) to omit the words "for reasons inconsistent with good

estate management" from the statement of conditions under which disturbance would entitle the tenant to compensation. He said the words in question had been inserted at the instance of Lord Donoughmore, but he did not find that they were necessary.

Amendment moved—

"In page 4, line 9, to leave out from the word 'cause' to the word 'terminates' in line 10."
—(Lord Denman.)

On Question, Amendment agreed to.

LORD DENMAN moved an Amendment to the clause providing that the tenant should be entitled to compensation for "the loss of goodwill and the expense" which he incurred in connection with removal instead of for "the loss or expense" so incurred. This Amendment was one to which His Majesty's Government attached very great importance. Clause 5 was not at all applicable to the case of shops and business premises unless words were inserted to secure the right of the tenant to compensation for goodwill. The proportion which goodwill bore in the case of an agricultural holding was infinitesimally small compared to goodwill in regard to shop tenancies. Goodwill was a thing which was recognised at law. It was something which could be bought and sold. Compensation for goodwill had been recognised in the Lands Clauses Consolidation Act. He would take the instance of the Holborn and Strand Improvement. In that case the London County Council had to compensate the landlords for taking their premises and also the tenants of the shops for the loss of their goodwill. The principle, therefore, was recognised in an English Act of Parliament, and it should certainly be included in this clause. As the clause at present stood, it only compensated the tenant for little more than the expense of removal. This did not go at all far enough to meet what they considered just to the tenant. The Government, as he had said, attached vital importance to this Amendment, and he hoped noble Lords opposite would see their way to accept it.

Amendment moved—

"In page 4, line 19, to leave out the word 'or' and to insert the words 'of goodwill and

the,' and to leave out the words 'the tenant.'"
—(Lord Denman.)

THE EARL OF DONOUGHMORE said he would not pretend for an instant that he liked the Amendment, but he admitted that there was some force in the noble Lord's argument that the conditions of goodwill in towns were different from those in the case of agricultural holdings. Therefore he did not intend to vote against the Amendment, although he did not like it a bit.

THE EARL OF MAYO did not see why the word "expense" should be retained. Surely compensation for loss of goodwill was quite sufficient. Perhaps the noble Lord would consider that point.

LORD DENMAN said he would consider the point between this and the next stage, but he could hold out no promise in regard to it.

THE EARL OF DUNRAVEN hoped the Government would retain the word "expense." Compensation limited to five years rent appeared to him to be little enough for the loss a tenant would sustain in the matter of goodwill. The expense a tenant might be put to in removing his goods and chattels, probably from one town to another, would be a serious burden. He hoped the Government would not consent to any limitation of the compensation in the way suggested by Lord Mayo.

THE EARL OF CREWE: I should like to put it to Lord Mayo whether he thinks it is really worth while to leave this matter open, because I can hold out no hope to him that we can reconsider it. There are bound, I think, to be cases where the question of expense must enter. The word "expense" has been in the Bill ever since it has been before your Lordships, and the noble Earl took no exception to it before. I hope he will be content to let the word remain.

THE EARL OF MAYO: I agree.

LORD CASTLETOWN asked whether, in the event of a shop being sold up by the tenant's creditors, the landlord would be obliged to compensate the outgoing

tenant for the goodwill, or whether the goodwill would go to the insolvent tenant's creditors.

THE EARL OF CREWE: I am afraid that, so far as that is a purely legal question, I am not competent to answer it. I do not know whether the noble and learned Lord on the Woolsack will reply. But I certainly have no intention of plunging into these deep waters.

THE LORD CHANCELLOR (Lord LOREBURN): I have not closely studied the Bill with a view to this point. But if any person is entitled to compensation of any sort he would have to account for that to his creditors in the event of bankruptcy. It would be part of his estate divisible among the creditors.

On Question, Amendment agreed to.

Drafting Amendment agreed to.

LORD DENMAN moved to leave out the word "one" and to insert the word "five" in the proviso which read—

"Provided that such compensation shall in no case exceed one year's rent of the holding."

Amendment moved—

"In page 4, line 22, to leave out the word 'one' and to insert the word 'five.'"—(Lord Denman.)

THE EARL OF DONOUGHMORE said the Government had previously expressed their willingness to agree to three years, and, though his Irish nature would prompt him to offer two years in order to try and strike a bargain, he would accept three years if the Government were still willing to agree to that.

THE EARL OF CREWE: As the noble Earl puts it in that way we will also accept three years.

Amendment, as amended, agreed to.

Drafting Amendment agreed to.

LORD DENMAN moved an Amendment to extend the operation of the clause to premises occupied "to a substantial extent for business purposes." This was, he said, a matter on which they

hoped to come to some agreement with noble Lords opposite. He understood that Lord Ashbourne desired to insert the words "trade or" before the words "business purposes." If that would make the Amendment acceptable to noble Lords opposite he would be glad to have those words inserted.

Amendment moved—

"In page 4, line 31, to leave out the word 'partly' and to insert the words 'to a substantial extent.'"—(*Lord Denman*.)

LORD ASHBOURNE: I think it would read better with the words "trade or" inserted.

LORD DENMAN: Then I will add them.

THE EARL OF DONOUGHMORE said he would rather have the word "business" out. Business covered an immense number of cases which trade would not cover. Judging from the Bill, the intention of the Government was to protect shopkeepers; but the word "business" would, he was afraid, include stockbrokers, solicitors, land agents, commission agents, and many other people not intended to be covered by the Bill.

THE EARL OF CREWE: The noble Earl is not correct in saying that the Bill is intended to apply to shopkeepers only. Anyone who has lived in Ireland, as I have, must have been struck by the enormous number of small professional persons in that country. I confess I do not quite see why a solicitor or a small country doctor should not come under the purview of this Bill just as much as a shopkeeper. The arguments which apply to one seem to me to apply equally to the others, and I am afraid for that reason we should have to oppose the omission of the word "business."

*THE MARQUESS OF LANSDOWNE: I think this illustrates the difficulty, when you are departing, as you are in this Bill, from sound principle, of drawing a scientific frontier with the object of restricting those departures. I do not see how such a frontier as my noble friend Lord Donoughmore desires can be drawn,

and I therefore reluctantly come to the conclusion that these small business and professional people could not equitably be excluded from the compensation accorded to their neighbours.

THE EARL OF LEITRIM said he would have thought that solicitors would make sufficient from the troubles that would arise under the Bill without coming within the compensation provision.

THE LORD CHANCELLOR: I should like to know how it is proposed that the words should read. I understand that the noble Lord in charge of the Bill has amended his Amendment by adding the words "trade or," and that it is now proposed that the sub-section should read—

"This section shall apply only to houses shops and other buildings occupied wholly or to a substantial extent for trade or business purposes."

LORD DENMAN: That is so.

On Question, Amendment agreed to.

*LORD CLONBROCK said the Amendment which stood in his name proposed to exempt from the operation of the clause tenancies of three different kinds. First, he proposed to exempt tenancies from year to year created after the passing of this Act. He did so because these tenancies would be entered into by people with their eyes open, and with a full knowledge of their position. Secondly, he proposed to exempt leases made after the passing of the Act for terms of thirty-one years, or for a life or lives. Thirty-one years was a long period, and, as was pointed out by the Duke of Northumberland in the discussion on the Land Tenure Bill, a man could not complain of having to leave his house at the expiration of a term to which he had himself agreed. The third kind of tenancy he referred to were tenancies from year to year existing at the passing of the Act where the rent of the holding was at or over £30 per annum. He thought the same argument applied to those tenancies. The persons concerned were very well able to make their own bargains. He would like to refer to a remark made by the Lord President of the Council when the Bill was in Committee. The noble

Earl seemed to think that Irish tenants as a rule were an ingenuous and confiding set of persons utterly at the mercy of the wily and unscrupulous landlord, if such there were. The noble Earl seemed to have taken his idea of an Irishman from the Irishman usually depicted on the stage, who capers about in the highest possible spirits, with a complete disregard for such considerations as money, or the future, or anything else except the enjoyment of the moment; but anyone who had had experience of that class in Ireland would know that they were for the most part remarkably astute and had a very keen eye for the main chance. Whatever qualities they might be deficient in which might militate against their success in life it was certainly not want of intelligence or concern for what they conceived to be their own interests. He hoped the provision in the clause would be limited in the way he proposed.

Amendment moved—

“In page 4, line 31, after the word ‘purposes’ to insert the words, ‘and which are held (a) under tenancies from year to year created after the passing of this Act, or (b) under leases made after the passing of this Act, for terms of less than thirty-one years, or for a life or lives, or (c) under tenancies from year to year existing at the passing of this Act where the rent of the holding is under £30 per annum.’”
(*Lord Clonbrock.*)

LORD DENMAN said the Government were quite unable to entertain the Amendment, which in their opinion was most unreasonable. Its effect would be to exclude those cases which it was hoped would come within the operation of the clause. Under the Act of 1870 existing tenancies from year to year came within the operation of the Act if the rent was not more than £100. The noble Lord proposed to substitute £30, which was an important difference. The Government attached very great importance to this matter, and if their Lordships pressed the Amendment the consequences might be very far-reaching. He desired, however, if possible, to meet the noble Lord, and as a solution of the difficulty he suggested that the Amendment should stand down to the letter (c), and that after the word “under,” which followed, the words “tenancies from year to year” should be struck out and

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the words “contracts of tenancy” substituted; and that the remainder of the Amendment should stand with this exception, that the words “one hundred pounds” be substituted for thirty pounds in the last line of the Amendment.

THE EARL OF DUNRAVEN asked Lord Clonbrock to inform the House to what the Bill would apply if his Amendment were carried. As he understood it, it would not apply to the past, to the present, or to the future. What effect, therefore, would the Bill have if the Amendment were adopted?

LORD ASHBOURNE said there was no doubt the Amendment was open to the criticism that it would substantially affect the width of the application of the clause, and he quite understood the ground of objection taken by the Government. Perhaps Lord Clonbrock would consider whether he could recast the wording and put it in a shape less objectionable to the Government, and whether thirty-one year leases could not be placed in a category that could be dealt with separately. The simplicity of the suggestion to substitute £100 for £30 was interesting to any one acquainted with the extremely small rents that obtained in country towns in Ireland.

THE EARL OF CREWE: I am afraid we shall not be able to go beyond the suggestion made by my noble friend Lord Denman. In the interest of the saving of time, if we could come to terms on these words now it would be a very great advantage. Your Lordships will see that to postpone any point of substance to the Third Reading at the stage of the session at which we have arrived is a difficult matter.

*THE EARL OF PEMBROKE asked the noble Lord in charge of the Bill to state exactly what the Government’s proposal was.

LORD DENMAN replied that the Government accepted Lord Clonbrock’s Amendment down to the words “life or lives.” After that it would read—

“or (c) under contracts of tenancy existing at the passing of this Act where the rent of the holding is under £100 per annum.”

LORD ASHBOURNE was still unable to understand how the Amendment in this form could effect the object desired.

THE EARL OF CREWE: We accept (a) and (b) of Lord Clonbrock's Amendment, not because we like them very much but because we are obliged to; but that is on the understanding that (c) as amended in the terms read out by my noble friend also forms part of the clause.

LORD ASHBOURNE asked Lord Denman to kindly read the clause as it would then stand.

LORD DENMAN: The clause as it is proposed to be amended, if Lord Clonbrock accepts our alterations at the end of the Amendment, would read—

"This section shall apply only to houses, shops, and other buildings occupied wholly or to a substantial extent for trade or business purposes, and which are held (a) under tenancies from year to year created after the passing of this Act, or (b) under leases made after the passing of this Act for terms of less than thirty-one years, or for a life or lives, or (c) under contracts of tenancy existing at the passing of this Act where the rent of the holding is under £100 per annum.

*LORD CLONBROCK said that if the clause read in that way he feared there must be a mistake in the drafting of his Amendment, because otherwise the tenancies which he proposed to exempt from the operation of the clause would be included.

THE EARL OF DONOUGHMORE suggested that the difficulty might be got over by inserting the word "not" before the word "held" at the beginning of Lord Clonbrock's Amendment.

THE EARL OF CREWE: Yes, to carry out Lord Clonbrock's intention something of that kind is required.

THE LORD CHANCELLOR: I really do not know how it is proposed that this Amendment should be dealt with; but it is not my business.

THE EARL OF CREWE: Would not the noble Lord's point be met by inserting the words "other than those" which are held, etc.?

LORD ASHBOURNE said his advice to Lord Clonbrock would be to take the words as suggested by the Government and then consider them before Third Reading. So far as he could tell, the clause did not even now read correctly, but when they saw it as amended in the print of the Bill they could consider what further alteration was necessary.

The LORD CHANCELLOR then put the Amendment as read by Lord Denman, with the addition, at the beginning of the Amendment as it appeared on the Paper, of the words "other than those" held (a), etc.

On Question, Amendment agreed to.

LORD BARRYMORE moved to add to Clause 9 a new sub-section providing that "notwithstanding anything in this section, a tenant of a holding whose rent is not less than £30 per annum, shall not be entitled to make any claim for compensation under any provision of the Bill in cases where the tenant has contracted in writing with his landlord that he will not make any such claim." The Government, he thought, could not wish to destroy the opportunity of allowing tenants to contract out of the Act if they wished, and especially those who were capable of understanding it. A rent of £30 in Ireland represented a very substantial man who was quite capable of making any kind of contract.

Amendment moved—

"In page 5, line 18, after the word, 'compulsion' to insert the following new sub-section: (2) Notwithstanding anything in this section, a tenant of a holding whose rent is not less than thirty pounds per annum, shall not be entitled to make any claim for compensation under any provision of this Act in cases where the tenant has contracted in writing with his landlord that he will not make any such claim."—(*Lord Barrymore.*)

LORD DENMAN said that he did not like the Amendment, because it weakened the clause. The point of doubt and difficulty was the exact figure of rent at which it was reasonable to suppose that the tenant was not likely to yield to any undue pressure exercised by the landlord. He preferred the existing figure of the Act of 1881—namely, £150 a year. He

should like, if noble Lords opposite could see their way, to increase the figure above that suggested in the Amendment.

LORD ASHBOURNE thought that if any limitation were put in at all it should be a real one. He did not contend that £30 was absolutely the correct figure, but £150 would be a fanciful limitation.

THE EARL OF CREWE : It is important in considering this matter to have regard to the wording of the clause as it stands. I will read it—

“Any contract (other than a contract either to make or not to make an improvement) made after the passing of this Act, by virtue of which a tenant would be, directly or indirectly, deprived of his right to obtain compensation under this Act, shall be void unless the court adjudicating upon a claim for compensation by such tenant shall, having regard to all the circumstances of the case, be of opinion that such contract was reasonable and that it was entered into by the parties without any direct or indirect compulsion.”

If the latter part of the clause was not there I think there would be far more to be said for the noble Lord's suggestion than there is. There is nothing to prevent people making contracts to stand out of this compensation question, and I have no doubt a considerable number will. In fact I should think that in the cases of large businesses it would probably be almost the invariable rule. In a case of that kind, supposing a man were to go back on his contract and attempt all the same to get compensation, the court would point out that he obviously had not been a subject of compulsion and consequently he must hold by his contract. I should have thought that was a sufficient general safeguard to everybody, but if the noble Lord thinks it is important to leave out people on a larger scale I shall be prepared to offer the figure of £100 as in the other case. I am afraid I could not go beyond that, for the reason that the clause as it stands seems to me to offer a perfectly reasonable protection to everybody who wants to stand out of the Bill.

THE EARL OF DONOUGHMORE said this was not a very big point. His own view was that they were sufficiently safeguarded under the clause as it stood, and he for one would be inclined to appeal

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to Lord Barrymore not press the Amendment.

LORD DUNBOYNE intimated his intention of moving an Amendment on Third Reading putting the onus of proof on a tenant who had entered into a contract to show that it was unreasonable or obtained by duress instead of putting the onus on the landlord to prove the contrary.

LORD BARRYMORE said that as his noble friends around him seemed to think there was no very great value in the Amendment he would withdraw it, but he confessed that he abandoned it with regret.

Amendment, by leave, withdrawn.

LORD DENMAN moved to omit sub-sections (3) and (4), which dealt with appeals, and to insert a new clause. He explained that the new clause had been drafted to meet an objection of noble Lords opposite, and he understood they were not unwilling to accept it, possibly in preference to the new sub-section standing on the Paper in the name of Lord Dunboyne.

Amendment moved—

“In pages 5 and 6, to leave out sub-sections (3) and (4); and to insert the following new clause: (1) Any person aggrieved by any determination of the county court under this Act may appeal either—(a) to the Judge of Assize or a Judge of the High Court as the case may be in accordance with the provisions of the County Courts (Ireland) Acts, 1851 to 1889, relating to appeals in the case of ordinary civil bills; or (b) to the Court of Appeal in accordance with rules of the Supreme Court. Provided that if in any proceedings appeals are taken both to the Judge of Assize or a Judge of the High Court and to the Court of Appeal, the appeals shall be heard together by such judge, and a further appeal may be taken from his determination to the Court of Appeal in accordance with rules of the Supreme Court.”—*(Lord Denman.)*

LORD DUNBOYNE had the following Amendment on the Paper—

“In pages 5 and 6, to leave out sub-sections 3 and 4 and insert the following new sub-section: ‘(3) An appeal from any determination of the county court under this Act shall, at the option of the party appealing, lie either to the Court of Appeal or to the Judge of Assize. In the former case the appeal shall be brought within the time, in the manner, and in accordance with

the conditions prescribed by rules of the Supreme Court, and in the latter case the enactments in the County Court (Ireland) Acts, 1851 to 1889, relating to appeals in the case of ordinary civil bill, shall apply. A proceeding in the nature of a cross appeal brought by any person who is a party to the appeal first instituted, or any second appeal from the determination of the county court in any particular case brought by any person interested therein shall only lie to that tribunal before which the appeal first instituted has been taken while the same is pending and undisposed of, save as aforesaid the determination of the county court shall be final.”

He said he would withdraw this Amendment in favour of the one moved by Lord Denman. But perhaps the noble Lord would explain the meaning of the words “Judge of the High Court.” Would that be a rehearing before the Judge in Dublin who would hear witnesses *viva voce*, or an appeal on the notes of the County Court Judge.

LORD DENMAN said the words “Judge of the High Court” had been put in to meet the special case of Dublin and for no other purpose. As to whether evidence would be heard by the Judge, he understood that was the case.

LORD ASHBOURNE said the noble Lord who had just sat down was quite correct. The Judge of Assize had an absolute rehearing and witnesses were called up. “Judge of the High Court” was put in to meet the special case of Dublin, where appeals from the Recorder were heard from time to time at the Four Courts. The Judge in Dublin could only hear the Dublin appeals from the recorder.

On Question, Amendment agreed to.

THE EARL OF DROGHEDA moved to insert a new sub-section in Clause 11 (proceedings in respect of claims).

Amendment moved—

“In page 6, line 13, after the word ‘upon’ to insert the following new sub-section. (2) Section 29 (as far as unrepealed) and sections 30, 31, and 32 of the Agricultural Holdings (England) Act, 1883, shall, so far as they are applicable, apply to proceedings in respect of claims under this Act.”—(*The Earl of Drogheda*.)

LORD DENMAN said he was obliged to the noble Earl for having submitted to him privately his reasons for moving the

Amendment. He understood that the noble Earl desired particularly to raise the case of limited owners and also the case of trustees. He was advised that the case of limited owners was covered by Section 27 of the Act of 1870, and, with regard to the case of trustees, he had in his hand a new clause which was copied out of the English Agricultural Holdings Act of 1883 with only one or two differences to make it applicable to Ireland. He hoped this would meet the particular points the noble Earl desired to raise in moving this Amendment.

LORD ASHBOURNE said he understood the noble Lord was proceeding in this matter on the advice of the Attorney-General for Ireland, and if his right hon. friend was satisfied with the clause the noble Lord had in his hand he suggested that it would be convenient if it were inserted now. They would take it on trust, and consider before the Third Reading whether or not it required modification.

Amendment, by leave, withdrawn.

Amendment moved—

“In page 6, after Clause 11, to insert a new clause”.—(*Lord Denman*.)

THE LORD CHANCELLOR: This Clause fills a whole page. I will read it if the Committee wish.

SEVERAL NOBLE LORDS: No, no.

On Question, new clause agreed to.

LORD DENMAN moved to amend Clause 12 (Holdings to which the Act applies) by substituting for “towns” the words “urban districts, towns, or villages.” This would make the Act apply to houses, shops, and other buildings situated in urban districts, towns, or villages.

Amendment moved—

“In page 6, line 16, to leave out the word ‘towns’ and to insert the words ‘urban districts, towns, or villages.’”—(*Lord Denman*.)

*THE EARL OF PEMBROKE, while acknowledging that the Government had tried to meet a point he made the other

day, would much rather the Amendment should stop at urban districts and towns. It would be fairer to landowners to leave out villages altogether. Since he had moved his own Amendment he had received many communications from Ireland showing that everybody was surprised that this Town Tenants Bill should be made to apply to villages. He hoped the Government would consent to strike out the word "villages."

THE EARL OF CREWE: If anybody in this House is satiated with the difference between urban and rural I am that person. It certainly is a difficult matter in these cases to draw a very distinct line, but I am afraid we are not prepared to part with the word "villages." Cases of hardship may arise under the existing state of things from the fact that a man has not got a choice of sites owing to the whole town or village belonging to one landlord. Those cases are clearly the ones which could in most cases be met by the word "village." The sort of hardship which would arise under the present condition of things would be accentuated by leaving out the word "village." I do not know of any definition of "village," and I am afraid we must trust to the Courts of law to find one in time.

THE EARL OF DUNRAVEN said that under this Bill the definition of a town would have to be left to the Courts to decide, and now they would have to decide the further question "when is a village not a village?"

*THE EARL OF PEMBROKE said that in the circumstances he would withdraw his opposition to the insertion of the word "villages."

On Question, Amendment agreed to.

LORD ASHBOURNE asked permission to move an Amendment which was not on the Paper. In the definition clause (Clause 13) it was provided that—

"'Prescribed' means prescribed by rules of the County Court."

He moved to add the words "made after notice sent to or consultation with the Incorporated Law Society of Ireland." These words were inserted last year in

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the Labourers Act, and he thought it would be wise to include them here.

Amendment moved—

"In page 6, line 33, after the word 'Court' to insert the words 'made after notice sent to or consultation with the Incorporated Law Society of Ireland.'"—(Lord Ashbourne.)

LORD DENMAN said it was difficult off-hand to express any opinion on the Amendment, but as it had the great authority of the noble and learned Lord he thought they ought to accept it.

On Question, Amendment agreed to.

LORD DUNBOYNE, on behalf of Lord Oranmore and Browne, proposed that the Act should come into operation on 1st July, 1907, instead of January 1st next. There would not be sufficient notice to those concerned if the Act had to be put in working in a fortnight.

Amendment moved—

"In page 7, line 6, to leave out the word 'January' and to insert the word 'July.'"—(Lord Dunboyne.)

LORD DENMAN regretted to be obliged to resist this Amendment to postpone the operation of the measure. When the Bill was introduced it was to be put in operation immediately on its passing, and the insertion of 1st January, 1907, had been a concession made to the Ulster Members. Postponing the operation of the Act for six months would mean that during all that time no improvements whatever would be made in Ireland. It would be against human nature to expect a tenant to do repairs at his own cost when by waiting until the Act came into force he could make the landlord pay. The Government must insist upon the date of 1st January remaining in the Bill. He must remind noble Lords that they had already substantially altered the Bill. They had knocked out the provision making the Act retrospective, they had whittled down its operation by limiting its scope in rural districts to villages, and in various other ways, and he must warn them that any further alteration might result in the Bill being dropped altogether. He did not think it would drive noble Lords opposite to

despair if the Bill was dropped, but he hoped that as the Bill was asked for by the majority of the Irish people their Lordships would not persist in an Amendment which might result in the Bill being dropped altogether.

LORD ASHBOURNE said the noble Lord had used language of a minatory character which was quite uncalled for by the course of the debate. He thought nothing could have been more reasonable than the manner in which noble Lords on his side of the House had conducted the discussions on this measure.

As to the question of the date he did not see how it was physically possible for the Lord Chancellor of Ireland to summon together his council of County Court Judges in the Christmas holidays in order to pass the rules necessary under the Bill. As a matter of administration it was nearly impossible to get the rules passed, printed, and gazetted before 1st January. There was no desire unduly to press the Government on the matter, and perhaps the point would be considered before the next stage.

THE EARL OF CREWE: I need hardly say that we have no complaint to make of the way noble Lords opposite have conducted the discussions on this Bill; but noble Lords have made one or two very substantial changes in the Bill, particularly the one which has destroyed its retrospective character. As regards this particular point it is exceedingly difficult for us to give way. A measure of this character as a rule comes into operation on its passing, and for this very obvious reason—if it did not come into operation quickly certain unscrupulous persons could make arrangements to defeat its provisions. As this Bill was originally introduced it was provided that it should come into operation on its passing, and it was only during the course of this autumn session, in deference to desires expressed by the Opposition in the House of Commons, that the date was fixed for the 1st of January. Therefore it is not like the case of the Education Bill, where the original date was put off to July in consequence of the Bill going on into the autumn. January was inserted in this Bill to meet the wishes

of the Opposition during the course of this autumn session, to the close of which I am glad to hope we are now drawing. In these circumstances, and on the ground that we do not think it right to leave this matter open, we must adhere to the date in the Bill.

LORD DUNBOYNE said time must elapse before the rules and forms could be prepared and consequently nothing would be lost if the date was postponed.

THE EARL OF MAYO said they knew perfectly well that the Bill could not come into operation on the 1st of January, even if the Government spoilt the Christmas holidays of the Lord Chancellor and the County Court Judges. But he did not think the point one worth dividing upon.

THE EARL OF DONOUGHMORE appealed to the Lord President to expedite as much as possible the preparation of the necessary forms.

Amendment, by leave, withdrawn.

Bill to be read 3^a on Tuesday next, and to be printed as amended. (No. 243.)

MERCHANT SHIPPING ACTS AMENDMENT (No. 2) BILL.

Amendments reported (according to Order.)

*LORD BALFOUR OF BURLEIGH moved to insert in Clause 52 a new subsection which, he said, dealt with a highly technical subject. It had been a matter of considerable negotiation between those for whom he was acting and the Board of Trade as well as the Lord Chancellor. Under Section 21 (1) of the Act of 1894, on a ship being transferred to a foreigner intimation of the transfer was made to the registrar, who made an entry of the fact in his register. The practice was thereupon to close the register irrespective of any existing unsatisfied mortgages. Under this section the sale might have taken place either abroad or in this country. Section 44, the section regulating these transfers, provided a statutory method

for sale taking place to a foreigner in a foreign country. This was done by means of a certificate of sale, which consisted of a power of attorney in favour of the foreign agent and included a description of the ship as appearing on the register and narrated any mortgages appearing on the register. The foreign purchaser under the certificate of sale had an opportunity of learning for himself if there were any unpaid mortgages, and might require them to be paid off before he purchased the vessel. Sub-section (10) of Section 44 provided that the documents of sale were to be transmitted to the registrar, who—

“Shall thereupon make a memorandum of the sale in his register book, and the registry of the ship in that book shall be considered as closed, except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein.”

The presumption therefore was that the register remained open with respect to any unpaid mortgages. In practice the register was, as a matter of fact, closed, and the opinion of shipping lawyers was that the exception just quoted provided no remedy whatever. Its terms were vague, and it was only by inference that the Courts could be considered as having the power to enforce unpaid mortgages. He was informed that by far the greatest number of transfers to foreigners did not take place under the provisions of Section 44, but by simple note or bill of sale, and in the Bill now before their Lordships the exception in sub-section (10) had been added to Section 21. The provision was inserted in the Bill in the House of Commons, but for the reasons he had already stated he doubted whether it was very much use. He assured their Lordships that a very large amount of capital was invested in British shipping, and apparently mortgagees, if the reading of the law was right as it now stood, were at the mercy of owners who, by selling a ship to a foreigner, could have the register closed and destroy the security of the mortgage. The only remedy the mortgagee had against the ship was to apply to the Courts to enforce the mortgage, on the ground that the register was still open so far as related to the mortgage. It was, however, doubtful if the Courts would consider that they had the power to enforce the

mortgage. The confidence of those who dealt in this class of business had been much shaken, and it was of importance that that confidence should be restored. The Amendment which he had placed on the Paper would, it was believed, go far towards effecting that purpose. He understood that after considerable negotiations the legal advisers of the Board of Trade and the Lord Chancellor, and, he supposed, the Foreign Office, were satisfied that this was a fair provision. At any rate the point of it was that if a ship which had an unsatisfied mortgage upon it afterwards came within the jurisdiction of a British Court that Court could order possession to be taken and investigate the whole procedure. He did not think any question of an international character ought to arise. But there was one point on which those whom he represented would like to be satisfied, and that was whether the word “British” Court intended to limit the mortgagees’ right against a ship to the Courts of Great Britain, or whether it was considered that the word included the Courts of British possessions. He would imagine himself that there could be no doubt that in this connection the term British would apply to, and include, all Colonial Courts. If he received that assurance he would be content to move the Amendment as it stood, but, without that assurance, he would like to move the deletion of the word “British.”

Amendment moved—

“In Clause 52, page 30, line 5, after the word ‘therein’ to insert as a new sub-section: ‘(2) It is hereby declared that where the registry of a ship is considered as closed under sub-section (1) of section twenty-one of the principal Act as amended by this section or under sub-section (10) of section forty-four of that Act, on account of a transfer to persons not qualified to be owners of British ships, any unsatisfied registered mortgage (including mortgages made under a certificate of mortgage) may, if the ship comes within the jurisdiction of any British Court which has jurisdiction to enforce the mortgage, or would have had such jurisdiction if the transfer had not been made, be enforced by that Court notwithstanding the transfer, without prejudice, in cases where the ship has been sold under a judgment of a Court, to the effect of that judgment.’”—(*Lord Balfour of Burleigh*.)

THE LORD CHANCELLOR, in announcing that the Government would

Lord Balfour of Burleigh.

accept the new sub-section, said the object of shipowners and others who advanced money on British ships was that their security might not be wholly frustrated by the sale being registered abroad and the transfer completed without any regard to the mortgage. We could not say we would not recognise a sale which might be perfectly valid according to the law of the country in which it took place. The only alternative seemed to be that now proposed, that when the ship came within the jurisdiction of any British Court that Court should have the right to enforce the mortgage. He had no doubt at all that the term "British Court" included any British Court whether in Australia or in any other colony. He thought Lord Balfour's Amendment was a very proper one, in order to give the security so much needed.

THE MARQUESS OF SALISBURY asked how the words "British Court" would affect a Court in a British Protectorate.

THE LORD CHANCELLOR said it was impossible to say. What was a Protectorate to-day might not be a Protectorate to-morrow. But, after all, the number of ships concerned that would enter the ports of a British Protectorate would be very few.

On Question, Amendment agreed to.

Drafting Amendments agreed to.

THE MARQUESS OF RIPON: I believe it will be in accordance with the wish of the House, and certainly it will be a very great advantage in regard to getting through the business of the remainder of the session, if we can send this Bill down to the House of Commons at once. Therefore, if there is no objection, I shall move that the Bill be now read a third time.

THE MARQUESS OF SALISBURY said that so far as the Opposition were concerned, they desired to help the noble Marquess in this matter, especially on account of the extremely courteous and kind way in which the noble Lord in charge of the Bill (the Earl of Granard) had conducted the proceedings.

THE MARQUESS OF RIPON: I am very pleased to see recognised what I must be permitted to say was the able way in which my noble friend conducted this Bill.

Moved, That the Bill be now read 3^a.—
(*The Marquess of Ripon.*)

THE LORD BISHOP OF BANGOR said that when he moved an Amendment at a previous stage Lord Tweedmouth undertook that the provision which he desired inserted, to the effect that every ship should carry some one on board trained in first-aid, would be dealt with by the Government. It would be a matter of great satisfaction to many interested in this point if the noble Earl in charge of the Bill could state what the Government proposed to do in regard to this matter.

THE EARL OF GRANARD said the matter had been discussed very carefully at the Board of Trade, and it had been decided that after the beginning of next year, when the Bill came into force, there should be added to the syllabus for the examination of second mates a requirement that they should have some knowledge of first-aid. Those instructions would be issued almost immediately.

THE MARQUESS OF SALISBURY: The effect of that will be that on all large ships there will be somebody possessing first-aid knowledge?

THE EARL OF GRANARD: Every one going up for a second mate's certificate will have to know something upon this subject.

On Question (Standing Order XXXIX. having been suspended), Bill read 3^a, with the Amendments, and passed and returned to the Commons, and to be printed as amended.

TRADE DISPUTES BILL.

Amendments reported (according to Order).

*LORD BALFOUR OF BURLEIGH moved an Amendment to that sub-section of Clause 4 which provided that nothing

in the clause should affect the liability of the trustees of a trade union to be sued in the events provided for by the Trade Union Act, 1871, Section 9, "except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute." He proposed to strike out the words quoted, in order to insert, "Provided that the said trustees shall not be made liable in any action for any tortious act committed for or on behalf of the union where such tortious act does not touch or concern the property, right, or claim to property of the trade union." He said that he was not now contesting the principle of Clause 4 or the method by which the clause gave effect to the principles involved. He only raised the question whether the clause did not go beyond the avowed intentions of the Bill's promoters. The effect of Section 9 of the Act of 1871 was simply to place the trustees of trade-union funds in exactly the same position as other owners of property. They were to have the same rights and the same liabilities. The object of the sub-section which he proposed to amend was to protect the trade union funds from being taken for debt or damages. Supposing, in the course of a trade dispute, some premises occupied by a union were to be wrecked or damaged. The union were not the owners of the premises, and he suggested that by the words in the Bill the landlord would be deprived of any remedy he might have for securing the safety of his property. Again, supposing the trustees of a trade-union building, perhaps the property of the union, were to allow the premises to be used for an improper purpose, to become a nuisance to the neighbourhood. He suggested that by the words of the clause the neighbours could take no action and would possess no remedy. The object of the Amendment was to provide a remedy for these and similar cases.

Amendment moved—

"In Clause 4, page 2, line 13, to leave out from the word 'nine' to the end of the sub-section and to insert the words "Provided that the said trustees shall not be made liable in any action for any tortious act committed for or on behalf of the union where such tortious act does not touch or concern the pro-

perty, right, or claim to property of the trade union."—(*Lord Balfour of Burleigh*.)]

THE LORD CHANCELLOR said, that the point raised was an important one, and it had been stated by the noble Lord with admirable clearness. It was not an Amendment intended to be hostile to the principles of the Bill; as he understood it, the Amendment simply intended to make clear an extremely difficult and intricate point of law. He thought that the language of the clause was less scientific than he would like to see, and, speaking for himself, he believed that the language of the noble Lord's Amendment was preferable to the language of the Bill. He was disposed to recommend it, therefore, to the attention of the Government in order that it might be fully considered by the numerous experts in the other House, and to see whether or not his view was the right one. Of course, he could not pledge the Government ultimately to accept the noble Lord's words, but he promised to bring the Amendment before his colleagues with a view to its incorporation in the Bill.

LORD ASHBOURNE thought the course indicated by the noble and learned Lord was a very convenient one for their Lordships to adopt.

On Question, Amendment agreed to.

*THE EARL OF DONOUGHMORE moved to amend the definition of the expression "trade dispute" so as to make it read "the expression "trade dispute" means any dispute between employers and workmen, and servants or persons employed in any trade or industry whether in such employers' employment or not, which is connected with the employment or non-employment, or the terms of employment, or with the conditions of labour of any person." He said that his views upon this subject were expressed when the Bill was in Committee, and he had in no way abated the strength of those views. He believed, however, that the words which he now moved would be acceptable to His Majesty's Government; he sincerely hoped that they would meet the point which he and his noble friends had in mind, and added that if this Amendment was agreed

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to he would move to strike out Clause 6, which provided that the Bill should not apply with regard to disputes connected with land, and was inserted in Committee on his own Motion.

Amendment moved—

“In Clause 5, page 7, line 25, after the word ‘dispute,’ to insert the words ‘between employers and workmen, and servants or persons employed in any trade or industry whether in such employers’ employment or not.’”
(*The Earl of Donoughmore.*)

THE LORD CHANCELLOR held strongly himself that Clause 6 went very much further than the Amendment now proposed; but with regard to that Amendment, he desired to adopt the same attitude as he adopted on the last Amendment. He did not see that it altered in any prejudicial sense the meaning of the clause, and he was willing to recommend it also to the consideration of the Government in the other House.

On Question, Amendment agreed to.

Moved, “To omit Clause 6.”—(*The Earl of Donoughmore.*)

On Question, Amendment agreed to.

Then (Standing Order No. XXXIX. having been suspended), Bill read 3^a, with the Amendments, and passed and returned to the Commons, to be printed as amended.

RECORDERS, STIPENDIARY MAGISTRATES, AND CLERKS OF THE PEACE BILL.

[SECOND READING.]

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR: My Lords, this is a small Bill of modest dimensions, to which I trusty our Lordships will see no objection. Its object is to make provision as to the appointment of deputies for recorders, stipendiary magistrates and clerks of the peace, and for the temporary performance of the duties of those officers in case of vacancies.

Moved, “That the Bill be now read 2^a.”
—(*The Lord Chancellor.*)

LORD ASHBOURNE: I think this Bill is to meet an obvious public convenience, and I am sure your Lordships will readily pass it. But I question whether it is wise to provide that the power of a person to act temporarily under this provision should extend over so long a period as six months from the occurrence of the vacancy. That, however, is a matter which I leave for the consideration of my noble and learned friend.

On Question, Bill read 2^a, and committed to a Committee of the Whole House on Monday next.

LICENSING (REMOVAL OF DOUBTS) BILL.

[SECOND READING.]

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR: My Lords, this is a Bill that had a remarkable and extremely recent origin. It had its origin in a decision on which I will say nothing. The decision of the Court of King’s Bench was that where the compensation authority in a county borough, which under the Licensing Act consists of the whole body of justices, does not delegate its powers to a committee, then it is necessary that at least a majority of the justices acting for the borough must attend and take part in the proceedings in order to render them valid. I am afraid the consequences of this decision may be far-reaching, because there are other statutes and provisions containing like words and the effect would be to set aside a great number of transactions as being invalid for this technical reason. The legitimate and natural course would be to go to the Court of Appeal on a decision of this kind, but, unfortunately, that takes time and the whole licensing business would be in chaos in the meantime. It has, therefore, been thought preferable for His Majesty’s Government to introduce a Bill to meet this point.

Moved, “That the Bill be now read 2^a.”
—(*The Lord Chancellor.*)

LORD ASHBOURNE: I think your Lordships will be most anxious speedily to

pass this Bill, which remedies what is an obvious inconvenience. I think, however it might be argued that by the wording of the Bill the justices should be "assembled for the purpose" in the notice. I think it would be better to strike out the words "assembled for the purpose," and insert the words "duly assembled" though I daresay there would be a further point on the word "duly."

THE LORD CHANCELLOR: I need not say that any suggestion from the noble Lord to secure certainty in this enactment will be gladly accepted.

On Question, Bill read 2^a.

THE MARQUESS OF RIPON: The noble and learned Lord opposite expressed a desire that the Bill should pass speedily. I agree with the noble and learned Lord, and, if he does not object, we will pass it at once.

LORD ASHBOURNE: I should be very sorry to offer the slightest objection to that course.

Committee negatived; then (Standing Order XXXIX having been suspended), Bill read 3^a and passed.

WORKMEN'S COMPENSATION BILL.

[SECOND READING.]

Order of the Day for the Second Reading read.

EARL BEAUCHAMP: My Lords, I hope that the arrangement by which your Lordships are willing to take the Second Reading of this Bill this afternoon will end by being convenient to noble Lords opposite. As I understand there is no noble Lord who wishes to oppose the the Second Reading. It is, however, not unlikely that there may be noble Lords opposite who will wish to put down Amendments on various clauses, and the idea therefore is that if we get the Second Reading to-day noble Lords will have longer time in which to consider their Amendments. We will put the Committee stage down for a day convenient to noble Lords opposite, but not before Tuesday or Wednesday next,

Lord Ashbourne.

Although this is one of the most important Bills which His Majesty's Government have brought before your Lordships this session I do not propose to say very much upon the question this afternoon. It is so very largely a matter of detail that it is more easily considered in Committee. I think, however, it is right that I should call your Lordships' attention to a few points in which the Bill makes a real change in the law. First, with regard to the definition of the word "workmen." The idea of His Majesty's Government is that there should be a very large extension of the principle of compensation to workmen. There were various proposals which might have been adopted. They might have gone on the present system of only including certain specified classes of workmen, but, on the whole, it appeared better to His Majesty's Government to make the Bill apply to all workmen, with certain exceptions which your Lordships will find set out on page 14 of the Bill. There is, for instance, the exclusion of men employed in casual labour, the idea being that a man who is employed just for the moment should not receive compensation. This does not apply to casual labour at the docks; but men engaged, for instance, to sweep snow off a door-step would not receive compensation. The police are specially excluded because they are provided for otherwise. Then there is also the exclusion of out-workers working on premises not under the control and management of the employer. The present Act only deals with certain dangerous industries and with some 7,500,000 workmen. This Bill, taking the last census as a basis, will include 738,000 clerks, 850,000 shop assistants, 2,000,000 domestic servants, 141,000 seamen, and 1,300,000 workshop employees. Your Lordships will therefore see that the Bill largely extends the application of the principle of compensation. At present the length of time for which compensation is not paid is fourteen days, but it is proposed under this Bill to reduce the period to seven days. If an injury lasts more than fourteen days, however, compensation will be paid from the date of the accident. This is the result of an arrangement arrived at in another place, and I think

it meets with general approval. His Majesty's Government have been specially fortunate in being able to have the practical advice of a large number of Members of Parliament who are particularly well acquainted with the circumstances of the workmen who will be included under this Bill. Seamen are not brought in while they are on board ship, but it was felt that there was a moment during which they would not get any compensation. The advantages of the Merchant Shipping Act leave them when they go on shore. From the moment that the Merchant Shipping Act drops them this Bill takes them up. The inclusion of industrial diseases in the Bill is another important matter. Any workman or workwoman who contracts industrial disease as the result of the conditions of his or her employment is just as much deserving of compensation as the man or woman who meets with an accident. Take, for instance, the case of lead poisoning, and so on. It is a novel and very difficult principle which has involved very great discussion amongst those interested in this question, but I am able to state that the provisions in the Bill are generally acceptable to all the parties concerned. The clause which deals with this question is very complicated. It is extremely difficult to apportion exactly the compensation which will be paid by an employer supposing the workman has not been with him very long, but I believe when your Lordships have had time to consider the terms in which that clause is drawn, you will see that it has been designed with fairness and in a way which ought to be generally satisfactory both to employers and employed. The third schedule is somewhat disappointing as there are only six industrial diseases included. The reason is that a Committee has been sitting for some time dealing with certain other diseases, and it was not thought desirable to put any of those in the schedule till the Home Office had had time to go thoroughly into the question. Before July next it is hoped that the Home Office will be able to take advantage of the clause in the Bill by which that office has power to add to the schedule those industrial diseases which it may seem desirable to add. I have now explained the really

important points in the Bill, and, while I am quite sure that your Lordships all agree with the principle of the Bill, I venture to hope that when we come to consider it in Committee it will not be found to need any very serious amendment.

Moved, "That the Bill be now read 2^a."
—(*Earl Beauchamp*.)

THE EARL OF CAMPERDOWN: My Lords, I am not rising to oppose the Second Reading of this Bill nor to prolong the discussion upon it at this stage. The noble Earl said he wished to call our attention to several questions of principle raised in the Bill. He did call our attention to some of them, but omitted to mention a principle certainly more important than any of those he referred to. I allude to the fact that by this Bill for the first time, so far as I know, illegitimacy is recognised. I should like to ask the noble and learned Lord on the Woolsack whether there is any precedent in British legislation for recognising illegitimacy. It is now admitted for the first time that illegitimates are to claim compensation on the same footing as legitimates. I need not say that this is a most important change in the law, and one which will have consequences far beyond anything contained in this Bill.

THE LORD CHANCELLOR: By the law of Scotland illegitimacy may be removed at any time by the marriage of the parents. Under the law of England I am not aware that any rights of property or restitution of *status* has been conferred upon illegitimate children; but the question is a very large one to express an opinion upon as it relates to the whole range of English law. May I say, however, that illegitimacy is not the fault of the child, who suffers when need for compensation arises. I think your Lordships would not be anxious to press the difference between legitimacy and illegitimacy in cases of that kind.

LORD BELPER: My Lords, having had charge of an amending Bill which passed through your Lordships' House two years ago, I should like to say a few words before this Bill is read a second time. It is

perfectly clear that this Bill is an enormous extension of the original Workmen's Compensation Act. I do not in the least wish to complain of that, because I think everyone who was connected with the original Act recognised that if you once brought in a Bill for the purpose of giving compensation to workmen in dangerous trades there was no principle which would prevent its being extended to other trades not so dangerous and to the smaller employers. As this Bill has been founded upon the Report of the Committee I must point out that the Bill I introduced adhered more closely to the Committee's recommendations than the present Bill. In many instances the Government have gone beyond and against the Report. In the first place, the Bill extends to seamen, and although no one will grudge seamen having the same opportunities for compensation as other classes of workmen, yet it was strongly felt by the Committee that the case of seamen ought not to be dealt with in the same Bill as compensation for people employed on land. There are other very important extensions. The noble Earl referred to industrial diseases. Compensation for industrial diseases is a new principle altogether. It is not a compensation for accidents, but a compensation for diseases in the course of employment; and I doubt whether the terms of the Bill will safeguard the employer in cases where a workman has disobeyed the regulations for the preservation of health. Apart from that it seems to me very doubtful whether, if a workman suffered from some of the common diseases, not industrial diseases, such as consumption, arising from living in unhealthy rooms, he might not in the future be able to get compensation. There is one other very serious extension in the Bill—the extension to small employers. Although this is a perfectly just corollary of the former Bill, I am afraid, as it is not accompanied by any system of insurance, that it will give rise to great difficulties. The object in a Bill of this sort should be that the workman should be certain to get compensation if he is entitled to it. There will be a very large number of small employers who will not insure, and will be unable to pay compensation

for death or total disablement. In foreign countries it has been recognised that it is absolutely unfair to give compensation to the workmen of every employer unless some State insurance or some recognised insurance system is adopted. I am afraid that in regard to these cases there is fear that workmen and small employers will suffer. I congratulate the noble Earl on the fact that he has to deal with a Bill which is in a much more reasonable state than the Bill with which I had to deal two years ago. In the first place we have got rid of the undertaker, a name not connected with very pleasant associations at any time. So far as I was concerned I found the greatest difficulty sometimes in making the effect of the Bill clear. A few points of detail in this Bill will require consideration in Committee. I have always been in favour of compensating workmen, and the experience of employers under the last Act proved that it could be done at much less cost than many people imagined. I recognise that with the large representation of labour in the other House it was perfectly natural that the law should be extended to a considerable extent in the way that it has been in the Bill now before your Lordships.

*THE MARQUESS OF LANSDOWNE: My Lords, if I remember aright the noble Marquess proposed the other evening, and the House accepted, an arrangement by which our proceedings were to terminate at three o'clock this afternoon. That hour is now passed, and it is therefore obvious that we cannot continue a Second Reading debate on this important Bill. The Bill touches a number of points which no doubt can be most conveniently dealt with in Committee. At the same time it does involve some very important questions of principle, and therefore I hope it may be understood that any noble Lords who desire to address your Lordships upon these questions of principle will have full opportunity of doing so on the Motion to go into Committee. I suggest that the Second Reading of the Bill should be agreed to to-day in order to give noble Lords an opportunity of putting their Amendments on the Paper.]

*THE MARQUESS OF RIPON: That is exactly what I intended. If any noble Lord now abstains from making a Second Reading speech he will have full opportunity of doing so on going into Committee.

On Question, Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Tuesday next.

NOTICE OF ACCIDENTS BILL.

[SECOND READING.]

Order of the Day for the Second Reading read.

EARL BEAUCHAMP: My Lords, this Bill is similar to the Bill which was introduced in the last Parliament, and I hope your Lordships will not object to its now being read a Second Time.

Moved, "That this Bill be now read 2^a."
—(Earl Beauchamp.)

On Question, Motion agreed to.

Bill committed to a Committee of the Whole House on Tuesday next.

House adjourned at ten minutes past Three o'clock to Monday next, a quarter past Four o'clock.

HOUSE OF COMMONS.

Friday, 14th December, 1906.

The House met at Twelve of the clock.

MESSAGE FROM THE LORDS.

That they have agreed to Amendments to Street Betting Bill [Lords], without Amendment.

That they have passed a Bill, intituled, "An Act to confirm a Provisional Order under The Private Legislation Procedure (Scotland) Act, 1899, relating to the Ure Elder Fund." [Ure Elder Fund Order Confirmation Bill [Lords].

Also, a Bill, intituled, "An Act to confirm a Provisional Order under The Private Legislation Procedure (Scotland) Act, 1899, relating to Ardrossan, Saltcoats, and District Tramways." [Ardrossan, Saltcoats, and District Tramways Order Confirmation Bill [Lords].

Also a Bill, intituled, "An Act to confirm a Provisional Order under The Private Legislation Procedure (Scotland) Act, 1899, relating to Dunfermline and District Tramways." [Dunfermline and District Tramways Order Confirmation Bill [Lords].

And also a Bill, intituled, "An Act to confirm a Provisional Order under The Private Legislation Procedure (Scotland) Act, 1899, relating to Dunbartonshire Tramways." [Dunbartonshire Tramways Order Confirmation Bill [Lords].

That they have agreed to, Licensing (Removal of Doubts) Bill, without Amendment, Merchant Shipping Acts Amendment (No. 2) Bill, Trade Disputes Bill, with Amendments.

PRIVATE BILL BUSINESS.

FALKIRK AND DISTRICT TRAMWAYS (EXTENSIONS) ORDER CONFIRMATION BILL.

Read the third time, and passed.

EDINBURGH SUBURBAN ELECTRIC TRAMWAYS ORDER CONFIRMATION BILL.

Considered; a Clause (For protection of the Edinburgh and Leith Corporations Gas Commissioners)—(Mr. Sinclair)—brought up, and read the first and second time, and added to the Bill.

Bill read the third time, and passed.

URE ELDER FUND ORDER CONFIRMATION BILL [Lords].

Ordered, under Section 7 of the Private Legislation Procedure (Scotland) Act, 1899, to be considered upon Monday next.

ARDROSSAN, SALTCOATS, AND DISTRICT TRAMWAYS ORDER CONFIRMATION BILL [Lords].

Read the first time; and ordered, under Section 9 of the Private Legislation

Procedure (Scotland) Act, 1899, to be read a second time upon Monday next, and to be printed. [Bill 372.]

DUNFERMLINE AND DISTRICT TRAMWAYS ORDER CONFIRMATION BILL
[LORDS].

Read the first time; and ordered, under Section 9 of the Private Legislation Procedure (Scotland) Act, 1899, to be read a second time upon Monday next, and to be printed. [Bill 373.]

DUMBARTONSHIRE TRAMWAYS ORDER CONFIRMATION BILL [LORDS].

Read the first time; and ordered, under Section 9 of the Private Legislation Procedure (Scotland) Act, 1899, to be read a second time upon Monday next, and to be printed. [Bill 374.]

PETITION.

PARLIAMENTARY FRANCHISE.

Petition from Erith, for extension to women; to lie upon the Table.

RETURNS, REPORTS, ETC.

SMALL HOLDINGS (DEPARTMENTAL COMMITTEE).

Copy presented, of Report of the Departmental Committee appointed by the Board of Agriculture and Fisheries to inquire into and report upon the subject of Small Holdings in Great Britain, with Copy of the Minutes appointing the Committee, Minutes of Evidence, Appendices, and Index [by Command]; to lie upon the Table.

OPTIONS AND FUTURES IN FOOD STUFFS (LEGISLATION RESPECTING).

Copy presented, of Reports from the Canadian Government and His Majesty's Representatives Abroad on Legislative Measures respecting Gambling in "Option" and "Future" Contracts as regards Food Stuffs [by Command]; to lie upon the Table.

NAVY (GUNNERY).

Copy presented, of Result of Test of Gun-layers with Heavy Guns in His Majesty's Fleet, 1906 [by Command]; to lie upon the Table.

NAVY (DISTURBANCES AT PORTSMOUTH.)

Copy presented, of Admiralty Minute in regard to Disturbances at Royal Naval Barracks, Portsmouth, on 4th and 5th November, 1906, and Courts Martial and other questions arising thereon [by Command]; to lie upon the Table.

BIRTHS, DEATHS, AND MARRIAGES.

Copy presented, of Sixty-eighth Annual Report of the Registrar-General of Births, Deaths, and Marriages in England and Wales, 1905 [by Command]; to lie upon the Table.

LEEWARD ISLANDS.

Copy presented of Additional Regulation relative to the Uniform worn by Prison Officers [by Act]; to lie upon the Table.

PAPERS LAID UPON THE TABLE BY THE CLERK OF THE HOUSE.

1. Adjournment Motions under Standing Order No. 10. Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed. [No. 382.]

2. Closure of Debate (Standing Order No. 26). Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed. [No. 383.]

3. Divisions of the House. Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed.

4. Public Bills. Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed.

5. Public Petitions. Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed.

6. Select Committees. Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed.

7. Sittings of the House. Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed.

8. Business of the House (Days occupied by Government and by Private Members). Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed. [No. 384.]

9. Private Bills and Private Business. Return relative thereto [ordered 12th December; *Mr. Caldwell*]; to be printed.

PRIVATE LEGISLATION PROCEDURE (SCOTLAND) ACT, 1899.

Return ordered, "of all the Draft Provisional Orders under the Private Legislation Procedure (Scotland) Act, 1899, which in the session of 1906 have been reported on by Commissioners; together with the names of the Commissioners; the first and also the last day of the sittings in each group; the number of days on which each body of Commissioners sat; the number of days on which each Commissioner has served; the number of days occupied by each Draft Provisional Order before the Commissioners; the Draft Provisional Orders the Preambles of which were reported to have been proved; and the Draft Provisional Orders the Preambles of which were reported to have been not proved."—*(Mr. Sinclair.)*

**QUESTIONS AND ANSWERS
CIRCULATED WITH THE VOTES.**

Natal and Reservation of Bills by Law Officers.

SIR CHARLES DILKE (Gloucestershire, Forest of Dean): To ask the Under-Secretary of State for the Colonies whether his attention has been called to a letter purporting to be written from Government House, Natal, in the present year, on behalf of the Governor, in which it is suggested that His Excellency is advised in the matter of reserving Bills by the law officers of the Crown for Natal, and must be guided by their opinion; and whether he will state how far, as concerns subjects named in instructions as those which should be reserved, a Governor is guided by the advice of members of the Government directly concerned, and how far he acts on his own responsibility.

(Answered by Mr. Churchill.) I have seen the letter to which reference is made. A statement is made in the case of every Bill by the Attorney-General giving his opinion that assent may properly be given or that the instructions require reservation as the case may be. The Attorney-General in Natal is not a Minister but a permanent civil servant, but in any case the responsibility for assenting must rest with the Governor,

who would not be bound by the advice given if the somewhat improbable case should arise of his considering that it was contrary to his instructions.

Working Hours in Devonport Dockyards.

SIR JOHN BENN (Devonport): To ask the Secretary to the Admiralty whether he is aware of a general desire in His Majesty's Dockyard, Devonport, North and South, that a re-arrangement of time for the three months November, December, and January should be effected so that the working hours for the three months may become the same as those arranged by the Admiralty from 1st February to 31st October, thus creating one uniform time; and whether, in view of the advantages to the employees accruing from the concession of the working hours of the aforesaid nine months, he would grant their continuance for the whole of the twelve months, thus placing the employees on the same system as at Portsmouth dockyard.

(Answered by Mr. Edmund Robertson.) The system of hours at present in force is only experimental, and the re-arrangement which my honourable friend proposes will have attention when the question of establishing the present system on a permanent basis comes up for consideration in a few months time.

Accommodation by Male Prisoners in the New Greenock Prison.

MR. MITCHELL-THOMSON (Lanarkshire, N.W.): To ask the Secretary for Scotland what is the number of prisoners (male) which it is estimated that the new Greenock Prison will hold.

(Answered by Mr. Sinclair.)—The reply is 130 males.

Charitable Loans Fund Act and the Edgeworthstown Loan Fund.

MR. J. P. FARRELL (Longford, N.): To ask Mr. Attorney-General for Ireland when the Charitable Loans Fund Bill comes into law; and whether he can hold out any hope that the debenture holders in the Edgeworthstown Loan Fund, who lost their lives' savings by the defalcations of a fraudulent clerk

named Flaver, will be recouped any of their losses by the operations of this Bill.

(*Answered by Mr. Cherry.*) The Bill about which the hon. Member inquires became law on 4th August last (6 Edw. VII., c. 23). The Loan Fund Board have no reason to think that it could be used for the recovery of any debts due to the society mentioned in the Question, inasmuch as the late receiver over the society found it useless to retain the position any longer, as justices at petty sessions had ceased to give decrees in consequence of the prevalence of the defence that the promissory notes sued upon had been forged.

Grants to Free Church.

MR. MARKHAM (Nottinghamshire, Mansfield): To ask the Lord-Advocate whether the United Free Church have made representations to the Commissioners, urging that the amount of £3,000 a year allocated for the education of students for the ministry of the Free Church should be made by way of annual contribution at the hands of the United Free Church; and, if so, whether this is an allocation of the Free Church property as between the two churches.

(*Answered by Mr. Thomas Shaw.*) I have no right or title officially to inquire into such representations, although I am of course aware that such feeling exists as to the setting up of a perpetual endowment to the Free Church of the kind stated. It would be beyond my province and improper, however, for me to make any pronouncement upon the subject.

MR. MARKHAM: To ask the Lord Advocate whether, seeing that Sub-section 3, Clause 1, of the Churches (Scotland) Act enacts that the funds and property of the Church are to be applied in accordance with the second column of the First Schedule of the Act, he is aware that, notwithstanding this fact, the Commissioners had allocated the three Free Church colleges to the United Free Church, along with five libraries, and that they have allocated only the upper floors of the offices of the

Free Church to the Free Church to serve as a college, without any library; and whether, seeing that the Act provides that the Free Church is entitled to a college from the colleges, he will say what section of the Act of Parliament gives the Commissioners power to act in this manner.

(*Answered by Mr. Thomas Shaw.*) In deference to my hon. friend I have looked at the statute, but fail to find in it the provision to which he refers "that the Free Church is entitled to a college from the colleges," and it may be, therefore, that the Question has been put under an entire misapprehension. But the Commission, which I may mention includes one Judge of the highest eminence, is vested in its duties of allocation with final statutory power and well able to construe the statute under which it acts, and I have no power, even if I desired to do so, to put forward an operative construction of the Act.

Compulsory Vaccination—Conscientious Objectors.

MR. J. H. DUNCAN (Yorkshire, W.R., Otley): To ask the Secretary of State for the Home Department if he has in contemplation legislation in regard to compulsory vaccination which will prevent parents who have gone to the trouble and expense of making application to the magistrates for exemption for their children, on the ground of conscientious objection, being subsequently summoned and fined for adhering to their opposition.

(*Answered by Mr. John Burns.*) My right hon. friend has asked me to reply to this. I am giving consideration to the question whether some alteration should be made in the law as to the procedure to be followed by conscientious objectors to enable them to obtain exemption from penalties under the Vaccination Acts.

Indian Government and British Cotton Growing Association.

MR. REES (Montgomery Boroughs): To ask the Secretary of State for India,

when the Return of the correspondence between the India Office and the Government of India and the British Cotton Growing Association, which was presented to the House on 5th November, will be in the hands of Members.

(*Answered by Mr. Secretary Morley.*) I have ascertained from the printers that the Paper in question will be circulated to hon. Members on Monday next.

Landing Facilities at Cooscroum, County Kerry.

MR. BOLAND (Kerry, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is now in a position to say what steps, if any, will be taken by the Congested Districts Board to improve the landing facilities at Cooscroum, County Kerry.

(*Answered by Mr. Bryce.*) The Congested Districts Board recently considered applications which had been made to them for the construction of a pier at Cooscroum. They decided to postpone the matter until it has been ascertained what works are to be carried out at Reenard Point, and what contribution, if any, they may give to such works.

Irish Evicted Tenants—Case of James Clancy.

MR. DOLAN (Leitrim, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners have received an application for reinstatement from James Clancy, Drumaculla, Largydonnell, barony of Rosclogher, county of Leitrim; and, if so, what steps they are taking with a view to his reinstatement.

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that they have received the application referred to in the Question, and will have the case inquired into by one of their inspectors as soon as may be possible, having regard to the many similar cases which have to be inquired into.

Largydonnell River Basin — Drainage Scheme.

MR. DOLAN: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether, having regard to the damage caused to the crops of the neighbouring farmers by the overflow of the Largydonnell River, in the barony of Rosclogher, county of Leitrim, and to the fact that the bed of the river has been gradually filled with stones until it has completely disappeared, he will urge the Congested Districts Board to reconsider their decision regarding the drainage scheme and give a sufficient grant to have the work carried out.

(*Answered by Mr. Bryce.*) The Congested Districts Board have been legally advised that if they should carry out drainage works upon rivers they might render themselves liable to claims for damages on the part of owners and occupiers on the lower reaches of such rivers. In the case of Largydonnell River, as in many other cases, the Board have declined to undertake drainage works, but they informed the applicants last year, and again in October last, that they would contribute to the cost if the local authorities, or any legally constituted local body, would carry out the work.

Sale of the Nash Estate, County Leitrim.

MR. DOLAN: To ask the Chief Secretary to the Lord-Lieutenant of Ireland, whether negotiations are pending for the sale of the Nash estate, Drumnacross, Kilosnet, County Leitrim; whether he is aware that the agent, Mr. Hew on, refuses to give a tenant named Michae M'Goldrick turbary, although turbary is available on the estate, even for tenants living on adjoining estates; and whether he will request the Estates Commissioners not to complete the sale until they have investigated the complaint made by M'Goldrick.

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that purchase agreements in respect of the estate referred to have been lodged with them.

but the tenant named in the Question is not one of the proposed purchasers. The Commissioners will, before sanctioning the sale, have due inquiry made into the matter mentioned in the Question.

Irish Evicted Tenants—Case of James Galvin.

MR. DELANY (Queen's County, Ossory): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether an application for reinstatement has been received by the Estates Commissioners from James Galvin, Portarlinton, who was evicted from a holding on the estate of Dr. Tabuteau, situate at Brackna, near that town; whether he is aware that Dr. Tabuteau, who is medical officer of the district, recently applied for sick leave to the Mountmellick Board of Guardians, and immediately proceeded to superintend farm operations upon Galvin's evicted farm; and, seeing that a substitute was appointed and paid out of the rates to perform Dr. Tabuteau's duties, can he say what course the Local Government Board propose taking in the matter.

(Answered by Mr. Bryce.) The Estate Commissioners inform me that they have received an application for reinstatement from James Galvin, and have referred it, with others from the same district, to an inspector for inquiry and report. The Local Government Board have no record that Dr. Tabuteau recently obtained sick leave from the Mountmellick Board of Guardians. In September last he was granted two weeks ordinary vacation, and the Board sanctioned the employment of a *locum tenens* during that time at four guineas a week.

Grant to Irish Agricultural Organisation Society.

MR. DELANY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state how many of the majority of fifty-two, who voted at the Agricultural Council meeting on the 27th November last in favour of subsidising the Irish Agricultural Organisation Society out of the Department's funds, were officials and members of the Irish Agricultural Organisation Society;

and can he say how many of the majority of fifty-two were nominated members of the Agricultural Council.

(Answered by Mr. Bryce.) I am informed that of the fifty-two members of the Council of Agriculture referred to in the Question only one is an official of the Irish Agricultural Organisation Society. Seven are members of the committee of the society, but have no financial interest in it. Eleven others are ordinary members, that is to say, they are subscribers to the society but take no part in its management. Twenty-four of the fifty-two members in question are nominated members.

Irish Board of Works—New Year's Day Holiday.

MR. DELANY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland, whether he will inquire from the Board of Works, Dublin, the reason why the holiday which was formerly granted to the staff on New Year's Day is about to be discontinued; and, in view of the fact that in nearly every Government Department in Dublin, including the Chief Secretary's Office, as well as in numerous commercial offices, this day is given as a holiday, will he see that the same privilege is extended to the Board of Works officials, considering that the working of the Department was not hindered in any way by the arrangements made in former years.

(Answered by Mr. McKenna.) I am informed that the Board of Works have reconsidered the holidays granted to their staff with the view of bringing them into conformity with the general regulations and practice of the Civil Service, and have therefore excluded New Year's Day, which is not generally recognised as a holiday. I see no reason for interfering with this decision.

Extensions to Cavan and Leitrim Railway.

MR. WALTER LONG (Dublin, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland what is the present position of affairs respecting the proposed extensions to the Cavan and

Leitrim Railway, for which provision was made by the late Government in the Development Grant Estimate; and whether it is intended to renew this provision in the Estimate for 1907-8.

(*Answered by Mr. Bryce.*) The question whether the provision for the Cavan and Leitrim Railway extension can be renewed in the Ireland Development Grant Estimate for 1907-8 will depend on the result of the railway company's efforts to overcome local opposition. As the right hon. Gentleman is aware, legislation is necessary, and the Bill which was introduced at the instance of the railway company in the earlier part of the present session was not proceeded with owing to the opposition of the county council. I understand that the railway company are at present considering certain proposals which may have the effect of removing local opposition, but I am not in a position to forecast what the result may be. The proposed expenditure from the Development Grant for next year has not yet been settled.

Marine Works and Railway Construction in County Mayo.

MR. WALTER LONG: To ask the Chief Secretary to the Lord-Lieutenant of Ireland what was the amount set aside out of moneys provided by the Marine Works Act on harbour works, originally contemplated at Innishlyre, county Mayo; whether the construction of these works has now been definitely abandoned; if so, is it proposed to expend the full amount of the grant provided for Innishlyre on other works of public utility in the county Mayo; and whether he can hold out any hope that effect will be given to the recommendation of the late Government in favour of the opening up of the district between Mullaranny and Belmullet, by the construction of a line of railway connecting these places, in substitution for works at Innishlyre.

(*Answered by Mr. Bryce.*) The amount which was provisionally allocated by the late Government out of the Marine Works Fund for harbour works at Innishlyre was £51,000. As the right hon. Gentleman

is aware, this scheme was suspended before the present Government came into office, and I cannot say whether it will be revived, because the Government have at present under consideration a scheme for the extension to Belmullet of some existing line of railway. This latter scheme, if carried out, would involve a much larger expenditure than that mentioned. I am not yet in a position to make any more definite statement upon the subject.

Delay in Sale of the O'Brien Estate, North Longford.

MR. J. P. FARRELL: To ask the Chief Secretary to the Lord-Lieutenant of Ireland to state the cause of the delay in the sale of the O'Brien estate at Cornakelly and Corglass, in North Longford; whether he is aware that the negotiations for the sale of this estate have extended over seven years; whether the offer of the Estates Commissioners to the Land Judge for this estate has yet been made or accepted; and, if not, can he hold out any hope that the sale will go through and state when the Estates Commissioners will give the tenants their vesting orders.

(*Answered by Mr. Bryce.*) I have no information as to the length of time during which this estate may have been for sale in the Land Judge's Court. So far as the Estates Commissioners are concerned, they inform me that they have had the estate inspected with a view to purchase, and their inspector's report was received in May last. The Commissioners found it necessary to raise certain queries on the report, and this has somewhat delayed the matter. The Commissioners, however, hope to be in a position shortly to make an offer to the Land Judge for the purchase of the estate.

Purchase of the Hussey Estate, North Kerry.

MR. FLAVIN (Kerry, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state when the Hussey estate at Ahabeg, North Kerry, which has been purchased by the Congested Districts Board, will be taken over by the Estates Commissioners and vested in the tenants.

(*Answered by Mr. Bryce.*) The Congested Districts Board expect that the estate of Mr. S. M. Hussey, which they have agreed to purchase, will be legally vested in them early next year, and they hope to sell the property to the tenants within the ensuing few months.

Local Government Board Inquiry at Strabane.

Mr. FLAVIN: To ask the Chief Secretary to the Lord Lieutenant of Ireland whether his attention has been drawn to the fact that Messrs. Coffey and Considine, Local Government Board inspectors, are at present conducting an inquiry into certain charges of neglect of duty, preferred by the Strabane Rural District Council and the Strabane Board of Guardians against their clerk, Mr. J. E. Sharkie; that, on the 20th November, 1906, during the investigation of these charges by the inspectors, Mr. Sharkie tendered his resignation to the above-mentioned bodies; will he say whether Mr. Sharkie has been censured by the Local Government Board for neglect of duty; and if so, how often; whether Mr. Sharkie has been summoned by the Local Government Board to Strabane Petty Sessions; if so, what was the nature of the charge preferred, and the decision of the magistrates in the matter; and whether, pending the result of the inquiry, the Local Government Board will sanction the acceptance of Mr. Sharkie's resignation by the above-mentioned bodies?

(*Answered by Mr. Bryce.*) I am informed that the inquiry referred to concluded some days ago. It is the fact that Mr. Sharkie handed in his resignation to the Board of Guardians on the 20th November. The Local Government Board had censured him on several occasions, but they cannot, in the time limited by the notice of this Question, say how often. The Board had also summoned Mr. Sharkie, under Section 86 of the Act of 1898, for failing to furnish the abstracts of the accounts of the Board of Guardians and of the two rural district councils of which he was *ex-officio* clerk. The case was adjourned to enable a settlement to be arrived at, with the result that Mr. Sharkie furnished the necessary returns

and agreed to pay all costs; and the proceedings were then withdrawn. The acceptance of Mr. Sharkie's resignation rests with the Board of Guardians and not with the Local Government Board. The resignation was accepted by the guardians on the 4th instant.

Irish School Junior Inspectors—Age Limits for Examination.

Mr. MURPHY (Kerry, E.): To ask the Chief Secretary to the Lord Lieutenant of Ireland if he is aware that the limit of age in connection with the forthcoming examination for junior inspectors, excludes several school teachers who proposed to compete; and whether, seeing that the limit of age for such teachers was thirty-nine years, in consideration of being already in the service of the Commissioners of Education, the Commissioners can state the ground for the alteration in the present examination?

(*Answered by Mr. Bryce.*) The Commissioners of National Education inform me that, under former regulations, the maximum limit of age for inspector's assistants was thirty-nine years in the case of candidates who were national school teachers. This fact was taken into account by the Commissioners when the age limits for junior inspectors were recently under consideration. The Commissioners, however, desire to secure the services of young and active men for the position, and as the work is very laborious, involving much travelling and exposure to the weather, they fixed the maximum age at thirty-five.

Strength of Army Reserve.

LORD BALCARRES (Lancashire, Chorley): To ask the Secretary of State for War what was the strength of the following branches of the service prior to June, 1895, viz., Reserve of the Royal Artillery, Army Service Corps, Army Ordnance Corps, Royal Army Medical Corps, Army Pay Corps, Army Veterinary Corps, Post Office Reservists, and Sick Bearers in connection with the Royal Army Medical Corps, but not actually serving; and what are the strengths at the present time?

(Answered by Mr. Secretary Haldane.) 1895, and 1st November, 1906, was as follows:—
The strength of Army Reserve of the undermentioned corps on the 1st May,

Corps.	1st May, 1895.	1st November, 1906.
Royal Artillery - - - - -	10,039	15,299
Army Service Corps - - - - -	2,507	3,989
Army Ordnance Corps - - - - -	254	272
Royal Army Medical Corps - - - - -	1,137	1,574
Army Pay Corps - - - - -	—	77
Army Veterinary Corps - - - - -	—	—
Post Office Corps - - - - -	108	130
Sick Bearers, R.A.M.C. - - - - -	—	—

Outside the men of the Army Medical Corps shown above, there are no reservists in connection with that corps.

Public Trustee Bill.

SIR HOWARD VINCENT (Sheffield, Central): To ask the Prime Minister if he will assign Wednesday to the remaining stages of the Public Trustee Bill; and, having regard to the daily increasing loss caused by the misappropriations of trustees, and failing the possibility of such enactment this session, if he will undertake that the Bill shall have an early place in the legislative programme of next session?

Answered by Sir H. Campbell-Bannerman.) Wednesday has been allotted for the Army discussion. Should it be impossible to proceed with the Public Trustee Bill during this session the Government will consider the suggestion contained in the latter part of the Question.

ADJOURNMENT.

Resolved, That this House, at its rising this day, do adjourn till Monday next.—
(Mr. Whiteley.)

MERCHANT SHIPPING ACTS AMENDMENT (No. 2) BILL.

Lords' Amendments to be considered upon Monday next, and to be printed. [Bill 371.]

TRADE DISPUTES BILL.

Lords' Amendments to be considered upon Monday next, and to be printed. [Bill 370.]

NATIONAL GALLERIES OF SCOTLAND BILL.

Considered in Committee.

(In the Committee.)

[Mr. EMMOTT (Oldham) in the Chair.]

Clauses 1 and 2 agreed to.

Clause 3:—

SIR JOHN TUKE (Edinburgh and St. Andrew's Universities), who had given notice of his intention to propose the insertion of the words "of science and" after the word "promotion," said he would not move the Amendment, because he had come to the conclusion that the interests of science were sufficiently safeguarded under this

Bill. He heartily congratulated the Secretary for Scotland on having arrived at a solution of the difficulty in a statesman-like and business-like manner.

*THE CHAIRMAN: The hon. Gentleman is not entitled to make a speech, as he is not moving his Amendment.

Clause 3 agreed to.

Clause 4 :—

*MR. MORTON (Sutherland) moved as an Amendment that the Board should consist of nine members, one to be appointed by each of the following six city councils, but not necessarily a member, namely, Edinburgh, Glasgow, Dundee, Aberdeen, Inverness, and Perth, and three by the Secretary for Scotland. The hon. Member said he included Inverness because it was the capital of the north of Scotland. He complained that the Report of the Committee which sat in 1903, and over which the right hon. Member for St. Augustine's presided, was being ignored from beginning to end, and he failed to understand why a Committee which considered the whole question so thoroughly should have its Report treated in such a manner. This was not a mere Edinburgh affair, but a Scottish matter, and it should be treated as such. He had no faith in the gentlemen appointed by the Secretaries for Scotland to these Boards, especially after the experience they had had in connection with the Board of Manufactures, to which gentlemen were appointed—not to do any work but to secure for them some sort of official position. According to the Report of the Committee they did not make good attendances at the meetings. He desired to know what the Secretary for Scotland proposed. Everything had been done in a most secretive manner. Moreover, it was unfair that a Bill of this character should be brought in at the fag-end of the session.

Amendment proposed—

"In page 2, line 17, to leave out from the word 'shall' to the word 'who,' in line 18, and to insert the words 'consist of nine members, one to be appointed by each of the following six city councils, but not necessarily a member, namely, Edinburgh, Glasgow, Dundee, Aberdeen, Inverness, and

Sir John Tuke.

Perth, and three by the Secretary for Scotland.'"—(Mr. Morton.)

Question proposed, "That the words proposed to be left out stand part of the clause."

THE SECRETARY FOR SCOTLAND (MR. SINCLAIR, Forfarshire) said it was true the Bill did not follow the recommendations of the Committee to which the hon. Member had referred, but it would be found that the Government's proposals as a whole followed in many respects the suggestions of that Committee. The congestion of accommodation in Edinburgh would be completely relieved by the proposals of the Bill, founded largely on the help of the Treasury, who in this matter, he thought, had been considerate and generous. The changes in the Bill would give double space to the National Gallery and to the Royal Academy, and for the latter it would provide a new home. Further, it would contribute largely to provide a new School of Art, and with the help of the Government in this matter, combined with the efforts of the Town Council of Edinburgh and the Scottish Education Department, and the aid of voluntary contributions, they hoped to establish a fitting School of Art in Edinburgh as the capital of Scotland. The Bill proposed to substitute for the present controlling Board a new branch of smaller size and more business-like character, whose duties would be the care of the National Galleries of Scotland and the promotion of the fine arts generally. To the proposal that there should be an element in the Board not nominated by the Secretary for Scotland, but by some outside authority, there were objections which were very difficult to overcome, one being that this was a Board entrusted with duties in Scotland, the execution of which depended largely upon Parliamentary grants. The House of Commons, which contained the only really national representation of Scotland, should have the right to challenge the appointment of any member of the Board.

*MR. MORTON: How?

MR. SINCLAIR said the nomination would be made by the Secretary for Scotland, who was responsible to the House.

*MR. MORTON: But we shall never get a chance of challenging them.

MR. SINCLAIR said the House had a perfect right to challenge any action on his part. But the right of challenge would not exist if the nomination was vested in anybody except the Minister responsible to the House, and it was desirable that they should maintain that principle. The second reason for not departing in principle from the proposals of the Bill was that it was exceedingly difficult to have any equal and fair representation of all parts of Scotland. They might take Inverness and leave out Perth. They might take Edinburgh and Glasgow and leave out Perth and Dundee; or they might include Perth and Dundee, and leave out Paisley, Kirkcaldy—

MR. EUGENE WASON (Clackmannan and Kinross): And Alloa.

MR. SINCLAIR, continuing, said that even then there were counties which would not be directly represented. The principle required that the nomination of the members should lie under the control of the House of Commons, and the facts of the case supported principle in that respect. For that reason they had departed from the recommendation of the Committee, and were unable to accept the Amendment of the hon. Member for Sutherland. He quite recognised that there was great value in the proposal that the Board should be kept in touch, so far as possible, with local and municipal interests in Scotland, and, provided they could secure that without infringing on the principle he had mentioned, he thought they should do what they could to obtain it. What he proposed to do was to suggest to the House acceptance of an Amendment to the effect that three of the seven members should be members of elected local authorities in Scotland. The small Board would be a more business-like arrangement. Fresh blood could always be brought in to keep up the connection with the local life in Scotland, so that the direction of the interests of art might be according to the real aspirations of the people.

MR. AKERS-DOUGLAS (Kent, St. Augustine's) said he could not support

the Amendment, and he was not more in love with the proposals of the right hon. Gentleman. He complained that the right hon. Gentleman had departed from the recommendations of the Departmental Committee in two important particulars. Under his proposals there would be no direct representation of the Royal Scottish Academy and other scientific societies, and there would not be a National Gallery in Scotland worthy of the nation. Apparently the present building in which the national pictures were hung was to be turned into a gallery, and any idea of a new National Gallery was to be abandoned for ever.

MR. SINCLAIR: Not for ever.

MR. AKERS-DOUGLAS said they were asked to sanction a large expenditure for the purpose of turning into a National Gallery a building which, according to the evidence given before the Committee, was absolutely unsuited for that purpose.

*THE CHAIRMAN: I do not think I can allow a discussion on the question of sites and buildings to go on on this Amendment.

MR. AKERS-DOUGLAS replied that statements of the kind had been made by the other side, and he failed to see how he could reply to hon. Members if he was not allowed to deal with the points they had raised. But, of course, he bowed to the ruling of the Chair. He concluded by saying that the right hon. Gentleman had ignored the point of the Committee that there should be representation on the Board of the Royal Scottish Academy and the Society of Antiquaries. He asked for some assurance from the right hon. Gentleman that in making the appointments under the Bill he would bear in mind the special interests he had mentioned.

*MR. McCRAE (Edinburgh, E.) admitted that the right hon. Gentleman the Member for the St. Augustine's Division of Kent, did valuable service for Scotland as chairman of the Departmental Committee which inquired into this question. But he thought the right hon. Gentleman had hardly been fair to the Secretary for Scotland, because if he allowed for the changed conditions he would see that the present Bill was largely framed on the

recommendations of his own Committee. The Royal Society did not now require extra accommodation, as it was excluded from the purview of the Board. The constitution of the Board with which they were now dealing was entirely on the lines recommended by the Departmental Committee in so far as it gave an absolute majority to be nominated by the Secretary for Scotland. The hon. Gentleman had said that the Royal Scottish Academy was not directly represented. He did not know what was in the mind of the Secretary for Scotland, but he was sure that any Board nominated by the Scottish Office would include a representation of the Royal Scottish Academy. In this matter they must trust the representative of Scotland in this House. The Amendment was entirely subversive of Parliamentary control and against the recommendations of the Committee which his hon. friend so largely supported. His hon. friend in proposing local representation ignored the county councils of Scotland. He thought the smaller Board would discharge its duties more conscientiously, and that more responsibility would be placed on each individual member. A great deal could be said for local representation, but if it were to come in, the Secretary for Scotland would have a difficult task before him in justly apportioning local representation over the whole of the country. Perhaps they were exaggerating the importance of local representation, and he would give a word of warning on this point, because if the proposal of his hon. friend were given effect to it would only be representation once removed. He knew no form of representation more dangerous and unsatisfactory than that. If they were to have direct representation Edinburgh had a large claim, not only on account of its geographical situation, and as the capital of Scotland, but because it was going to provide £30,000 for the promotion of a new school of art. His hon. friend the Member for the Dumfries Burghs wished the Convention of Royal Burghs represented. That was no doubt a very useful and distinguished body, but it was not specially representative of high art, and there they would have representation twice removed. He saw great objection to a hard and fast line being laid down in the Bill with regard to either the localities or the

Mr. McCrae.

interests concerned, but there was a strong feeling that there ought to be some form of local representation on the board of trustees. He thought the solution of the difficulty was to be found in the Secretary for Scotland's Amendment. The most important thing to secure, however, was that they should have complete Parliamentary control, and that they would obtain if the appointment were left in the hands of the Secretary for Scotland, who was responsible to Parliament. They were dealing with money provided by the State, and it was absolutely essential that control should be kept in this House. If in the past Parliamentary control had not been effective it was largely due to the fact that they had had ten years of unsympathetic government. If in future Parliamentary control were not effective the blame would rest entirely with his hon. friend the Member for Sutherland and others who sat in this House. The Minister for Scotland must be held responsible for the administration of Scotland, and he thought those who were objecting to the constitution of the Board ought not to press their objection to the point of delaying the passing of the Bill. It was wanted in Scotland, and they really got so little for Scotland that they ought to take all they could get. This was not a vital point and he hoped Scottish Members would not do anything to delay the Bill, because if they did, it would not facilitate the granting of any further demands, and he was sure they did not wish to give an opportunity to those who believed that the only duty of an Opposition was to oppose, and who, he had no doubt, would take advantage of any stick with which to beat the back of the Government. However, he did not think there was any real desire on either side of the House to delay the Bill, which was accepted as a benefit to Scotland, and he hoped they would unanimously approve Clause 4.

MR. MUNRO FERGUSON (Leith Burghs) hoped the discussion would not be prolonged. At the same time it was fair to point out that whilst they were discussing a compromise, it was not a compromise entirely between the Secretary for Scotland and hon. Gentlemen opposite. He recognised that the compromise suggested by the Secretary for

Scotland was a very fair one, and he should give it his hearty support. The view of certain artistic associations and authorities in Scotland had been very strongly in favour of direct representation upon the Board, but there had been a change of opinion on one side among the witnesses, and the view of those most competent to deal with the subject in Scotland had gone rather away from the Report of the right hon. Gentleman opposite and in favour of the proposal of the Secretary for Scotland. He therefore thought his right hon. friend's suggestion was the best solution of the question, and he trusted the proposal would be embodied in the Bill.

*MR. R. DUNCAN (Lanarkshire, Govan) said it was a sound proposition that the Secretary for Scotland should be responsible for the Board. He thought it was not beyond the power of the House to say that some of the gentlemen whom the right hon. Gentleman nominated should be representative of art interests in Scotland—who knew art practically, and had given their lives to it.

*MR. SMEATON (Stirlingshire) said he was very much surprised indeed to hear the opinions expressed by the hon. Member for East Edinburgh. He thought his hon. friend entirely misrepresented public opinion in Scotland with regard to the appointment of a Board which was to manage a great national concern. His hon. friend ought to know that if there was one thing more repugnant to the feeling of Scotland than another it was nominated boards. Unless there was a large share of popular representation on the Board the Bill would entirely fail to evoke in a tangible form the national sentiment of Scotland to aid in the promotion of art. In saying this he was also voicing the opinion of a conference of artists and laymen in regard to the main part of the Bill. He would only quote two sentences from the opinion of the conference and begged the House to weigh them well—

“The Bill will fail of its purpose unless it is altered, because it proposes a Board of Trustees to be chosen by the Secretary for Scotland—that is, a purely bureaucratic Board—intended to be national in effect. No Bill could do this, especially in Scotland. It is against the spirit of the people. For a thing to be national in Scotland you must take the nation with you from the start and keep it with you. No matter what label you put on it, such an insti-

tution can only be truly national if it effectively brings into play the living interest of the nation, interest to equip it, interest to maintain and administer it, and interest to appreciate it.”

A good deal had been made of the argument that because funds in aid were granted by Parliament therefore Parliament—in the person of the Secretary for Scotland—should have absolute control. But what about similar grants to school boards? Parliamentary grants were given to school boards, but those boards nevertheless controlled the schools, and it was surely a good precedent to quote. He was convinced from the number of opinions he had obtained from artists and others that the Bill would entirely fail to promote art in Scotland unless there was a large share of popular representation.

MR. GULLAND (Dumfries Burghs) thanked the Secretary for Scotland for the concession he had made, although he had an Amendment which he of course preferred to any other plan. He was not at all afraid that his right hon. friend in his nominations would not have regard to the interests of art; but what he had been afraid of was that his right hon. friend might not appreciate the necessity of having on the Board men who really represented the people and the visitors to the galleries, because under the old Board that was the chief trouble. This Board not only had to buy pictures, but it had to induce people to see them when they were bought, and it was to popularise the constitution of the Board that he had put down his Amendment. But he quite appreciated the desire of the Secretary for Scotland for Parliamentary control, and he thought his right hon. friend had met them very fairly indeed in agreeing that three of the members of the Board should be members of directly elected local authorities. He wanted business men, accustomed to business affairs in town councils and county councils, to look after a matter like this, and to be in touch with the people, so as to see for one thing that the galleries were open on public holidays, and also to remove the obnoxious charge for umbrellas and sticks which was made in the Scottish galleries but not in the English galleries.

LORD BALCARRES (Lancashire, Chorley) regretted that the hon. Member opposite by implication should have charged

him and his hon. friends with obstruction. It was not necessarily the duty of the Opposition to oppose, and all he would say was that if the hon. Gentleman would do him personally the honour of looking back on the Parliamentary records he would find that a good many years ago he was the only Member who raised the claim of Scottish art when the question was unpopular in this House, and when such a claim was unheard of in Scotland. They had had a thoroughly business-like discussion for forty minutes to-day, and he therefore resented any suggestion of there being a disposition to obstruct, especially as there was only one other question of importance raised by this Bill. He regretted this change in the Bill. He was inclined to think that seven was too small a number to constitute the Board. It was not exclusively a question of buying pictures and keeping the galleries clean. They had to look after Dunblane.

MR. SINCLAIR said as a matter of fact the Board would only have to hold the funds for Dunblane and would have nothing practical to do with respect to it.

LORD BALCARRES said he did not realise that the First Commissioner of Works had to be responsible for anything beyond its structure. However it was not a material point, though, of course, to that extent he was wrong. But when they had selected three members from local authorities, there were only four left to be nominated from other bodies, and it was obvious that the Antiquaries must be represented on the board, and it was admitted that the Royal Academy must be represented; that rather reduced the sphere from which the right hon. Gentleman could select representatives. If after two or three years it was found difficult, as he anticipated, to get a regular quorum, it would be a very simple thing for the Secretary for Scotland to have the number enlarged. It was purely an experimental number. He thought it would prove in the long run to be too small. This new Board was not going to be an affair to meet once a quarter, but it was to do its work regularly and properly, and in any case a quorum of three was too small for work of this character. He liked still less the Amendment standing in the name of the Member for Dumfries Burghs. He

was in favour of a wholly nominated Board, and if the Secretary for Scotland made a bad nomination it was the duty of hon. Members to haul him over the coals. As to local representation, if they chose the three best men for the purpose in Scotland they would not represent local and municipal life. He submitted that hon. Members were setting to work in the wrong way. Each Member representing a Scottish borough would expect his own borough to be represented, he supposed. Edinburgh had almost a right to be represented, and the reason only one municipal or local authority was recommended in his right hon. friend's Report was that only one municipality in Scotland had given towards a National Gallery. He feared they were not going to get a wholly nominated Board as originally proposed by the Secretary for Scotland, and they were not going to get the wholly representative Board as proposed by the hon. Member below the gangway. There was absolutely no guarantee that these men would represent local or municipal life. The right hon. Gentleman could only select from among persons who, at the time of selection, were elected persons. They were to be nominated by the Secretary for Scotland, but they could retire from the local authorities without ceasing to be members of the Board of Trustees. He appealed to the Lord Advocate to say whether that was not what was meant by the words in subsection (1) of Clause 4, that the Board "shall consist of seven members, who shall hold office for five years from the establishment of the Board, and who may be re-appointed."

THE LORD ADVOCATE (MR. THOMAS SHAW, Hawick Burghs) said that the security taken in the Bill was that the trustee should be a member of a representative body when appointed, but that his appointment might be for a longer term than five years.

LORD BALCARRES said there was no guarantee that a man would remain a member of the local authority after he had been appointed a member of the Board. If he did not retire from the Board on ceasing to be a member of a local authority, 30 per cent. of the "local touch" might be lost. The Secretary for

Lord Balcarres.

Scotland had given notice of an Amendment to provide that three of the members should be members of elected local bodies in Scotland, and he merely wished to point out that that need not necessarily bring about the local touch which the right hon. Gentleman desired to have. He should have been glad if the right hon. Gentleman had adhered to the provision in the Bill in this particular, and above all, to the financial particular that followed. He did not admit that any local authority had a direct qualification to appoint a member to the Board. Members of local authorities were elected on wholly different grounds. The case was different in England, where local bodies appointed aldermen because of their special knowledge of various subjects. He hoped the right hon. Gentleman would carefully watch the experiment which it was proposed to make, so far as the constitution of the Board was concerned, with the view to amending the Act if it should be found, as he rather anticipated, that seven Members were not sufficient adequately to fulfil the duties.

MR. THOMAS SHAW said the noble Lord entirely mistook the feeling on both sides of the House if he supposed that his intervention in the debate was resented. On the contrary they welcomed it. He would say frankly that he thought the compromise proposed was a fair Parliamentary transaction, and one which entitled the House to say it was thankful that the Secretary for Scotland had, in conjunction with Scottish Members and Scottish local bodies, been able to come to a conclusion which seemed satisfactory on all hands. The noble Lord seemed to think that there might be difficulties in obtaining the artistic element from the area of selection. He would simply refer him to two or three municipalities. The municipal Corporation of Glasgow had shown the very highest interest in the development of art in Scotland. The same could be said of the municipalities of Aberdeen and Dundee. Edinburgh also had a good record in that particular. That was a complete answer to the objection that there was not material of excellent artistic quality from which to make the selection. On the whole the Government preferred a system which, on true democratic lines, produced artistic results, rather than to be forced into a

selection of people called aldermen, of whom they did not happen to have any north of the Tweed. The noble Lord's speech would not be lost on his right hon. friend in making the selection. He conceived it utterly impossible that any responsible person in his nominations would neglect the existing artistic bodies in Scotland. The arrangement now proposed was open to Amendment on the lines which the noble Lord had suggested, but he did not think there would be any difficulty in regard to a quorum. He did not agree with the noble Lord as to the size of the Board, as he thought it was better to have a compact and proper business assembly in matters of this kind.

MR. CROMBIE (Kincardineshire) said the noble Lord the Member for the Chorley Division rendered great service to Scotland in this matter in the last Parliament, and none of the Scottish representatives resented the part he had taken in the debate. He had good reason for knowing that the Bill and all its details had been most carefully considered by the Scottish Members, and he thought the conclusion to which the Scotch Secretary had come was a fair compromise.

MR. YOUNGER (Ayr Burghs) said he had spent thirty years on municipal bodies, and he knew something about them. He infinitely preferred the Board originally proposed to the compromise which the Secretary for Scotland had come to with those who had been squeezing him for the last two or three weeks. He thought the right hon. Gentleman ought to have been left with a perfectly free hand. There were not many people connected with the local authorities in Scotland who could be chosen as trustees. Sir James Gibson Carmichael would make an excellent representative, but he had come across very few who could be suitably chosen in the county councils with which he had been connected. He did not wish to sound a note of discord, or to be thought obstructive, but he wished to express regret that the right hon. Gentleman had not adhered to his original proposal.

MR. C. E. PRICE (Edinburgh, Central) said he still thought nine would have been a better number than seven, because he was anxious to get a larger representation of outside bodies.

MR. MUNRO FERGUSON said it should not be assumed that the three largest municipalities in Scotland were necessarily to be represented on the Board. There were local authorities in smaller places from which persons of artistic taste might be chosen.

*MR. MORTON said that nobody could allege that they had had too much time to discuss Scottish questions during this session. This was practically the only Scottish measure which had been brought forward this year, as everybody knew; and when any Scottish Member had to attack the Secretary for Scotland on some appointment which had been made, it was made a personal affair as against the Secretary for Scotland, and if a division were challenged the Party Whips were invariably brought in to outvote the Scottish Members. He did not wish to make any personal attack on the Secretary for Scotland, who was most courteous and gentlemanly, and treated the Scottish Members fairly; but, still, on questions like this the right hon. Gentleman could, by the power of the Government Whips, bring in a majority which could vote down the Scottish Members unmercifully. He complained that they had not had the slightest chance this session of discussing Scottish affairs. He did not see why they should have to attack the appointment of these gentlemen through the Secretary for Scotland. He had been accused of being a simple-minded enthusiast; but his enthusiasm, unlike that of the hon. Gentleman, went beyond the Scots Greys. It seemed to be left to English Members to discuss these matters of Scottish historic buildings, and he confessed that he would like to see a little more enthusiasm among Scottish Members in regard to, for instance, the King's Park at Stirling, which he had saved for the people. He agreed with the noble Lord that the members of the Board of Trustees who represented the local authorities should cease to be trustees when they ceased to be members of the local authority. He wanted to ask the Secretary for Scotland whether the new body of trustees, when appointed, would have power to consider the question of a new building for a National Gallery, and the site on which it was to be erected.

THE CHAIRMAN said that that question was not in order. What they were now discussing was the constitution of the new Board.

*MR. MORTON said he bowed to the decision of the Chairman, but supposed he would have an opportunity later on of raising the point. He confessed that he would have been much better pleased if they had had no Bill at all during the present year than a bad Bill. He thought that the people of Scotland ought to have had more opportunity to consider what was the best thing to be done in this, which was a national matter, and not a mere Edinburgh affair.

Amendment negatived.

Amendment proposed—

“In page 2, line 18, to leave out the word ‘who’ and insert the words ‘three of whom when so appointed shall be members of elected local authorities in Scotland, the said seven members.’”—(*Mr. Sinclair.*)

Question proposed, “That the word ‘who’ stand part of the clause.”

MR. AKERS-DOUGLAS said he thought the Committee were entitled to an answer from the right hon. Gentleman on the two points which had been raised, viz., whether the claims of the Royal Scottish Academy and other art societies in Scotland would be considered by the right hon. Gentleman in constituting the Board, and whether he would consider other qualifications when he was making the appointment.

MR. SINCLAIR said that all the claims and elements mentioned were bound to be considered in constituting the Board. It would be his duty to inform himself to the very fullest possible extent as to every claim that could be made.

*MR. MORTON asked whether the right hon. Gentleman would not reconsider the question of increasing the number of the Board of Trustees to nine.

MR. SINCLAIR said that the number of the Board originally proposed was seven, and that had been arrived at after

very careful consideration. From the point of view of getting a good working Board, he thought the number should be limited to seven; and in that he was supported by his friends behind him; therefore he was very reluctant to make any change in the number of seven.

*MR. MORTON said that that was not the opinion of the Scottish members generally, who thought that there should be a larger number on the Board.

*THE CHAIRMAN said he really could not let this discussion go on. The number of members of the Board was already decided.

MR. BLACK (Banffshire) thought the words of the Secretary for Scotland would limit the area of selection on the part of the right hon. Gentleman. The mere nomination of men who happened to be members of a local board did not secure local interest such as would be obtained if the municipalities themselves nominated the members. He, however, did not propose to divide against the Amendment.

Question put, and negatived.

Words proposed inserted.

Amendment proposed—

"In page 2, line 19, to leave out the word 'who,'"—(*Mr. Sinclair.*)

Question proposed, "That the word 'who' stand part of the clause."

LORD BALCARRES asked if the persons who had served as trustees for five years, and on their appointment were members of local authorities, were to be allowed to continue on the Board of Trustees when they had ceased to be members of the local authorities.

MR. SINCLAIR said they would not be continued on the Board of Trustees as representatives of the local authorities; but they might be reappointed in another character.

Amendment agreed to.

MR. CALDWELL (Lanarkshire, Mid.), as Deputy Chairman of Committees, took the Chair, in place of Mr. Emmott.

MR. C. E. PRICE said he wished to express the pleasure with which the Members for Scotland welcomed the Deputy-Chairman of Committees back to the House after his illness. He had an Amendment on the Paper to leave out "four" in Clause 4, and insert "five of whom may be reappointed."

THE DEPUTY-CHAIRMAN ruled that the Amendment was not in order.

MR. WATT (Glasgow, College) moved an Amendment to the effect that when vacancies should occur on the Board new members should be appointed by the Board and not by the Secretary for Scotland. He ventured to think that the Secretary for Scotland had sufficient power in connection with the Board, and that in the event of vacancies occurring he ought to allow the Board to fill them.

Amendment proposed—

"In page 2, lines 27 and 28, to leave out the words 'Secretary for Scotland' and to insert the word 'Board.'"—(*Mr. Watt.*)

Question proposed, "That the words 'Secretary for Scotland' stand part of the Bill."

MR. AKERS-DOUGLAS hoped that the Secretary for Scotland would not accept this Amendment. The words which came before them dealt with a casual vacancy. It was necessary that the right hon. Gentleman should have a large range of choice. The lines of the Bill followed the Report of the Committee in this matter.

MR. SINCLAIR said that, as the right hon. Gentleman had stated, they were following the Report of the Committee upon this subject, and they would stultify themselves if they consented to any change of the Bill in this respect. He hoped the Amendment would be withdrawn.

MR. WATT asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

MR. WATT moved that the chairman should be appointed by the Board and not by the Secretary of Scotland, pointing

out that the chairman would have a double power in regard to voting.

*MR. MORTON seconded the Amendment, to which he hoped the Secretary for Scotland would agree. If they were to appoint a Board which was to have no power except at the will of the Secretary for Scotland, and to do what he told them, the Bill would be absolutely useless. If a board of guardians could not appoint even a nurse without the consent of the Local Government Board, that was not local control. If this Bill were adopted in its present shape they would have the same sort of thing in Scotland by and bye, as the right hon. Gentleman would not always be Secretary for Scotland. Why this selected body of seven could not be allowed to appoint their own chairman he could not understand. If they were not allowed to do so it would be better not to have any Board at all, but to leave the whole "show" to the Secretary for Scotland. The representatives of the people of Scotland should have some control; responsibility and control should go together.

Amendment proposed—

"In page 2, line 31, to leave out from the beginning of line to 'chairman' in line 32, and insert the words 'The Board shall appoint their own.'"—(*Mr. Watt.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. SINCLAIR hoped the Committee would give the Secretary for Scotland discretion in the matter. It would largely depend upon the chairman, at least for the first few years, how matters would go, and it was for the Secretary for Scotland to say whether the men selected for this duty were really the men who intended to give time and thought and trouble to the interests of the Board. He asked hon. Members to look to the future and not to the past and to adhere to the proposals of the Bill.

MR. DALZIEL (Kirkcaldy Burghs) said the right hon. Gentleman had asked them to look to the future, and that was the point which ought to be taken into consideration. It would be all right if they were satisfied that the right hon.

Mr. Watt

Gentleman was going to be at the Scottish Office for the next twenty years. He thought they might have confidence in his carrying out the Bill in its entirety. But they had to consider how a Tory Secretary might administer it. This was a small reasonable Amendment, and after all there should be some recognition of the democratic principle by a democratic House of Commons.

MR. AKERS-DOUGLAS said one of the great complaints made against the old Board of Manufactures was that there was no continuity of policy, and it was pointed out that one of the reasons was that they had no permanent chairman. He supported the Secretary for Scotland in this matter, and thought that it was of great importance that the Secretary for Scotland should appoint the chairman. They desired to put the responsibility upon the Government, because by so doing a better qualified man would be obtained. If the Secretary for Scotland had the appointment he would have to bear in mind that the person appointed should possess both artistic and business qualifications, and that his action was a matter for Parliamentary criticism. To secure also a continuity of policy the appointment should be made for a considerable period. He hoped the Secretary for Scotland would adhere to his proposal.

MR. BLACK (Banffshire) complained that during this session only three or four hours had been given for the discussion of Scottish affairs and that time was devoted to the question of pupil teachers. Before discussing the Amendment before the Committee he submitted that they ought to have some explanation from the Secretary for Scotland as to the intention of this clause. Was it the intention to appoint a permanent chairman whose duty was to extend beyond the period of the Board over which he presided, or was it proposed that he should cease to hold office when the Board ceased to exist? If it was intended that the chairman should hold office for five years the clause would require an Amendment.

MR. SINCLAIR said that briefly the principle that he recommended was that in order that the House of Commons should have full control in this matter

the chairman should vacate his position at the end of five years.

MR. BLACK said in that case a detailed Amendment was necessary, namely, that it should not be less than one year.

MR. SINCLAIR said that was a very small point which might be left to the regulations that were to be prescribed for the conduct of the business of the Board.

MR. MORTON : Would those regulations be submitted to this House ?

MR. SINCLAIR : No, Sir.

MR. MORTON : I thought not.

MR. BLACK asked whether these regulations would say that the chairman should not be appointed for less than one year.

MR. SINCLAIR replied in the negative ; the regulations would only supplement in detail the main lines on which the Board might act, as laid down by Parliament.

MR. C. E. PRICE said he entirely agreed with the desirability of the Board appointing its own chairman, and as part of the compromise entered into he would not move his Amendment. His hon. friend had reserved one point, namely, that the chairman's appointment should come up annually for confirmation—that if a man was appointed chairman for a period of five years his appointment should come up annually to be confirmed by the Secretary for Scotland so that this House might have an opportunity of criticising that gentleman if he failed in his duty in any way. He would, therefore, like to move to insert the word “annually.”

THE DEPUTY-CHAIRMAN said the Amendment could not come in at this point.

MR. MORTON said the right hon. Gentleman had stated that these regulations would not be laid on the Table of the House, and his hon. friend had spoken of withdrawing his Amendment as part of a compromise. The so-called com-

promise was not a compromise with the whole of the Scottish Members but with one or two who had given the rest away. What the Scottish Members wanted was to adhere to the principle that the Board should have the appointment of its own chairman and its own officers down to the office boy. He repudiated this compromise by three Scottish Members. It was quite contrary to what the Secretary for Scotland and the Lord Advocate had agreed to at a previous meeting.

MR. GULLAND supported the Secretary for Scotland from whom he thought the nomination should come. He thought the selection of seven men would give him a very good range in which to find a man for this position. The right hon. Gentleman might not appoint the man most fitted to carry through the business, but they should trust him further and let him appoint the chairman.

MR. MUNRO FERGUSON said there would be great difficulty in getting continuity of policy unless the chairman was appointed for at least five years, and there was some advantage in allowing the chairman to be appointed by the Secretary for Scotland. Only last week this was brought to his mind with reference to a Board with which he was connected. There were six members, three on each side, and the chairman had died and for the whole of the year the business of the parish had ceased to proceed. It took him one hour and twenty minutes to get into the chair, but directly he got there they got through the business.

MR. WATT said he recognised that he had not sufficient support upon this point, and therefore he would withdraw his his Amendment.

Amendment, by leave, withdrawn.

*MR. MORTON moved an Amendment to insure that the Board when appointed should have control of the appointment of their own officers. Unless they had the right of appointment they would have no control. He hoped the Secretary for Scotland would give them something in the way of democratic government even if that something was only in the direction of enabling the Board to be master in their own house. It would

make the Board more self-reliant and more efficient if they had the right of appointing their own office boy even, than if they had nothing to do with the appointments at all.

Amendment proposed—

"In page 2, line 36, to leave out the words 'Secretary for Scotland' and insert the word 'Board.'"—(*Mr. Morton.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. SINCLAIR thought his hon. friend hardly understood the importance of an Amendment of this kind in such a Bill. By common consent one of the most important offices was that of secretary to the Board. A great deal would depend upon the experience of the officials of the Board. It was essential therefore that the House should have control over these appointments and be able through the Minister responsible to Parliament to criticise them. As this clause did nothing more than give the control which this House insisted on retaining with regard to the officials of all the Boards of Scotland, it was desirable that this clause should be retained. It was not put in in order that the Secretary for Scotland should interfere in the administration of the Board in its own business. There would not be the least desire to interfere with the work of this Board any more than there was a desire to interfere with the work of other Scottish Boards.

MR. PIRIE (Aberdeen, N.) said that what they complained of, as Scottish Members, was an absence of control over the affairs of their own country. The Secretary for Scotland was right theoretically, but practically he was wrong. What he said was that the secretary of this Board would be a most important official and therefore should be appointed by the Secretary for Scotland. But, at the same time, while it gave the nominal control to the Scottish Boards working in Scotland, the real control was vested in the Secretary for Scotland instead of, as it should be, in the Scottish people. He desired that the Scottish people should be satisfied as to the true reason for every Amendment which had been moved, and in that

regard the debate had done good by showing the whole Scottish nation how its interests were neglected in this House.

*MR. MORTON thought the Secretary for Scotland might rest content with having the appointment of the secretary in his hands, and allow the Board to appoint all its other officers. It was a very dangerous way of conducting business not to allow them to appoint their own officers, and had worked very badly in many Boards in this country. If he (Mr. Morton) gave up the appointing of the secretary, surely the Secretary for Scotland would allow the Board to appoint other officers. [MR. SINCLAIR dissented.] The right hon. Gentleman shook his head. He would allow no power whatever. That was a mistake, and it was wrong to try and push this Bill through the House at this late period of the session.

MR. DALZIEL asked whether the secretary was to be appointed for five years in the same way as the chairman. The whole difficulty of that would be that, being appointed by the Secretary for Scotland, he would to a certain extent be the master of the Board instead of their servant. He would be able to say that he was elected as secretary for as long as the Board existed, and it was quite conceivable that a certain class of gentleman might make it very awkward for the Board. He hoped that the right hon. Gentleman, in the appointment which he made, would take care that the Board was master of the secretary, and not the secretary the master of the Board.

MR. SINCLAIR: The hon. Member need have no fear upon that point.

LORD BALCARRES said he apprehended that the secretary of this Board would not occupy the same position as an ordinary secretary. He would be, so to speak, the adviser of the Board and would assist in the purchasing. He would be what might be called the buyer. |

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MR. SINCLAIR said the secretary would be purely and simply secretary of the Board, and in every sense the servant of the Board, and he would be appointed by the Secretary for Scotland

Mr. Morton.

in the same way as other important officials of other Boards in Scotland were appointed by the Secretary for Scotland. With regard to all minor officials, there was not the same need of care in their appointments, and there would be no interference with them. Those appointments would be under the control of the Board itself.

*MR. STEWART (Greenock) said there was a very strong feeling among the supporters of the Government that their proposals were far from adequate in this matter and that more power should be given to the persons forming this Board. They were willing, however, to agree that the Secretary for Scotland should appoint subject to the approval of the Board or *vice versa*. That was a kind of compromise which should be acceptable to the Scotch Secretary, and it would give the Board a dignity which they ought to have. If a permanent official were to be thrust upon them against their will, he would become the master of the Board of which he was nominally the servant.

MR. MUNRO FERGUSON said under the circumstances he certainly thought it was necessary to leave considerable power to the Board.

*MR. MORTON asked whether the right hon. Gentleman would consider this matter on Report and endeavour to meet the Scottish Members in some way?

MR. SINCLAIR said he would be delighted to refer again to the practice of other Boards and see what change could be made in the Bill. The hon. Member for Greenock need not be under the least apprehension that this official would not be the servant of the Board. He would also point out that whoever was trusted with the approval of the appointment, the real power lay with the person who had the final say in the matter, and that was the Secretary for Scotland. This system was recommended as being the one which would cause the minimum of friction and the maximum of efficiency.

Amendment, by leave, withdrawn.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Clause 6 :—

MR. SINCLAIR moved an Amendment dealing with the allocation of sums out of the general fund of the Board of Manufactures. He said he would like to take this opportunity of stating the financial arrangements which were consequent on the new distribution of buildings carried out by the Bill. At present, as the Committee were aware, the Board of Manufactures had for its resources a capital sum of about £38,000, and an annuity of £2,000, called the service annuity, from the Treaty of Union. That was supplemented by a small grant. He should mention that the responsibilities which fell upon the Board of Manufactures in connection with these galleries, and which were defrayed out of the funds he had mentioned, were, in the first place, the cost of maintenance of the buildings, which represented approximately £1,130 annually; and, in the second place, the payment of the officers of the various institutions, giving a total of £2,560. In aid of that expenditure they received a grant of £800, which left the average annual expenditure at £1,760. The expenditure in future would be increased by the maintenance charges which would be due on the new buildings to be occupied by the Royal Society. So it might safely be estimated that the total charges of maintenance in these two respects would not be less than £2,000 a year. These were the present arrangements, and would hold until the Bill became law, when the Treasury had agreed to enter upon new arrangements which were much more satisfactory and much more generous. That was really the consideration which he thought should prompt them to do everything they could to pass the Bill into law. Members were aware that the first result of the distribution of buildings was that the Royal Society, which had hitherto occupied rooms in the Royal Institution building, would leave these and go to new premises which were to be acquired for them, leaving the Royal Institution building as a whole for the occupation of the Royal Academy. In its present condition, however, it was not adapted for use as picture galleries, and considerable expenditure would be required to fit it for that purpose. That expenditure would be borne entirely by the Treasury, and it would reach a sum

of £14,000. The outline sketch plans for the adaptation of the building promised to be entirely successful, and to give complete satisfaction not only to the city of Edinburgh, but also to artists. Then came the question of the expenses, which amounted to not less than £2,000 a year. That charge had hitherto been borne partly by a grant of £800. It would in future be borne by the Treasury and by Votes in Parliament. The Treasury would thus fit up the new Royal Academy at a cost of at least £14,000. They provided by the Votes £2,000 a year, which was at present borne by the Board of Manufactures as part of its annual expenditure. Then there was a sum of £1,000 a year which was already enjoyed, dating from the publication of the report, and was now given for the purchase of pictures. In addition to that the Board of Trustees would have at their disposal £2,000 a year, being the Scottish annuity. That would form part of their income for the purposes of art in Scotland. These were the details of the income of the new Board of Trustees. One further change must be alluded to. The School of Art, which had hitherto occupied premises in the Royal Institution, would be removed to other premises as a result of the combined effort of the Edinburgh Corporation and other bodies. Out of the capital sum of £38,000 belonging to the Board of Manufactures, it was proposed to give a sum of not more than £10,000 as an aid to the establishment of this School of Art. He had now to mention the arrangements proposed for the housing of the Royal Society. For that purpose it was proposed to expend £28,000 of the capital in the hands of the Board of Manufactures. A sum of £25,000 would go to the purchase of a building, and £3,000 would cover the expenses of fitting up, redecorating the new premises, and transferring the library and other effects of the Royal Society to the Royal Institution. The Treasury were giving the Royal Society a grant of not more than £600 a year. At present the Royal Society received a grant of £300 a year, which grant was paid by them as rent for the part of the Royal Institution which they now occupied. In future the Royal Society would be placed in occupation of their new premises, and they would also have the grant of £600

a year for scientific purposes, and would be free from any obligation to pay rent. He thought it would be conceded that the Treasury had been, not extravagant in this matter, but generous. Some criticism might be directed to the proposal to employ part of the accumulated funds of the Board of Manufactures in the purchase of a building for the Royal Society. On more than one occasion, however, the savings of the Board of Manufactures had been employed in the erection of buildings. Notably they made an important contribution of £47,000 in the year 1823 for the erection of the Royal Institution building. The Royal Society from that date had occupied rooms in the Royal Institution building, and had certainly a claim to be considered in any new arrangements which involved their removal from those rooms. Under the arrangement proposed the Royal Society had received nothing but fair treatment. The money could not under the circumstances be put to any better use than to be invested for the nation in the premises about to be occupied by the Royal Society. The effort of the Government had been to treat with equal consideration the claims of science and of art. The new Board of Trustees would find themselves unfettered by any other consideration than the duty of promoting the fine arts of Scotland and caring for the National Galleries. They would also find themselves in possession of a very handsome income, which would be devoted to these purposes. On the other hand, the Royal Society would be placed in a position, he hoped, of equal comfort in regard to their accommodation, though, perhaps, the new accommodation would not have the historic interest which the occupancy of the Royal Institution had. They would also find themselves in possession of a handsome income to be devoted to scientific purposes. He hoped that these new arrangements, which would give much greater liberty, much greater scope to the interests of art and science in Scotland, would also give an encouragement and a stimulus to those who were actively interested in Scotland in art and science, and make them feel that they had public support behind them in maintaining the position of Scotland in these progressive times in regard to both art and science.

Mr. Sinclair.

Amendment proposed —

"In page 3, line 17, at beginning, to insert, '(1) It shall be lawful for the Secretary for Scotland to allocate out of the General Fund of the Board of Manufactures such sums as may be prescribed (a) towards the building and equipment of a School of Art in Edinburgh; (b) for the purchase, erection, and equipment of buildings, and for the purchase of any land necessary in connection therewith to be vested in the Commissioners of Works, and to be used for the purposes of the Royal Society of Edinburgh until otherwise prescribed with the consent of the Treasury.'—*(Mr. Sinclair.)*

Question proposed, "That those words be there inserted."

MR. ANNAN BRYCE (Inverness Burghs) asked whether they were to understand that the whole of the £1,000 a year, to which the right hon. Gentleman had referred, would be devoted to the purchase of pictures?

MR. SINCLAIR said it would be clear as an income of the Board of Trustees.

MR. ANNAN BRYCE said he understood they were to pay all the expenses out of that.

MR. SINCLAIR: No. At present they paid their officers and the maintenance cost of their buildings. Both of those charges would, under this arrangement, be undertaken by the Treasury.

AN HON. MEMBER: It was a debtor and creditor account so far as the Treasury was concerned.

MR. SINCLAIR said it was not. This money had been accumulating for years. The Board of Manufactures had not been a very enterprising body, and matters had been rearranged so that all these Boards should have a definite income and a definite purpose.

MR. ANNAN BRYCE said he wanted to ascertain what net clear amount of money in the future would be available for the purchase of pictures.

MR. SINCLAIR said the Board of Trustees were not obliged to spend every penny in the actual purchase of pictures; they had also a distinct duty to care for the national galleries and promote the fine arts in Scotland. They had a clear

income of £3,000 unfettered by any obligation as to management.

MR. ANNAN BRYCE asked whether a certain proportion of that amount would go in payment of expenses. If so, it would be necessary to distinguish between the payment of expenses and the amount available for the purchase of pictures and objects of art.

MR. SINCLAIR said the maintenance expenses would be paid for them. The Board would have in the first place a grant of £1,000 a year from the Treasury, which would be expended in the purchase of pictures, and it would probably have an income from the Scottish annuity of £2,000 a year, which they would spend as they thought proper within the limits of the Bill—it might be on pictures. The officers of the Board would be paid by the Treasury.

LORD BALCARRES said if he referred back to the Estimates he thought he would be able to show that a specific grant of £1,000 was allotted to Scotland for the purchase of pictures. That was the amount Ireland had received for generations. This Amendment, which had been on the Paper for forty-eight hours only, would change the whole scope of the Bill. The truth of the matter was that the Secretary for Scotland was going to take art money to pay a science obligation. He was prepared to show that this money was art money in spite of the fact that the Board of Manufactures had control over the science building—the Royal Society Building. This scheme gave the Secretary for Scotland two powers—to take out of invested capital as much as he thought fit, first, for the School of Art in Edinburgh; and, secondly, for the erection and equipment of buildings for the Royal Society. On the first point, he did not much like taking the money of the Board of Manufactures for building a School of Art in Edinburgh; but, at all events, it was an art purpose, and as such, to his mind, was less objectionable than the second item of the scheme, which was to take the capital of the Board of Manufactures to pay for the Royal Society. The right hon. Gentleman had told the Committee earlier in the debate that the new Board would have nothing whatever to do with science,

and that the sum of money required for the Art School was about £10,000; but the right hon. Gentleman did not tell them how much of the remainder was to be allotted to the Royal Society. The total, he understood, was £38,000, so that there was a balance of £28,000, which could be devoted to that purpose. This Amendment was inconsistent with the original Bill altogether. Under Clause 6, as introduced, all property belonging to the Board would be in future vested in trust for the promotion of fine art in Scotland, and under that clause it would not have been right to hand over this money to pay for the Royal Society. The Royal Society had been for sixty or eighty years in those buildings, which were largely built for them by the Board of Manufactures. The origin of this money could in no way whatever be credited to science. Science had never paid the Board of Manufactures except their rent. No portion of the accumulated funds, except perhaps an odd thousand or two, could be ascribed to science, although an immense amount could be definitely ascribed to art. The income from accumulated capital was insufficient to buy first-class pictures, and a few hundred pounds spent in the 'forties, 'fifties, and 'sixties well spent would have gone further than as many thousands spent to-day. Therefore, from the point of view of accumulating money for the purchase of works of art, the policy was indefensible; but that was no reason why the money should now be taken away from art and given to science. It was an obligation of the Government to rehouse the Royal Society at their expense, and not at the expense of the Board of Manufactures, out of Scottish money. The right hon. Gentleman had said the Royal Society was to get £600 a year from the Exchequer. The Treasury had been generous towards the Royal Society, but its generosity towards that institution was very much counterbalanced by a marked lack of generosity towards the Board of Manufactures. Up to a very few weeks ago it was quite understood that the Government was going to rehouse the Royal Society. [An Hon. MEMBER: It is.] He did not think they could say that the Government was going to pay for the rehousing of the Society if the actual sum for the purpose was coming out of the Board of Manufactures. Five

Lord Balcarras.

or six years ago the hoarding of this money by the Board of Manufactures was criticised, and then somewhat suddenly they spent £5,000 or £6,000 on a picture, but the Royal Society never suggested at that time that any equivalent grant should be paid over to them. It never occurred to them to do so; they did not look upon the accumulated funds of the Board of Manufactures as belonging to themselves in any sense. He would like the legal opinion of the Lord Advocate if he were wrong in saying that the present Board of Manufactures as constituted was entitled to go into Bond-street and spend £35,000 on a picture next week. Legally and technically he believed that would be within their rights. At all events there was a strong *prima facie* case that this money was, and always had been, regarded as art money. The Treasury had been generous to the Royal Society at the expense of the Board of Manufactures. What he had looked forward to was a strong new Board competent to give expert advice, who, on accession to office, would be able to make a start and purchase works of art for Scotland. There was no public gallery in Europe in which the proportion of pictures presented by private individuals was larger than in the National Gallery of Scotland. Of the pictures 98 per cent. were private donations and only 2 per cent. purchases by the nation. He submitted that the £38,000—apart from the £10,000 for the School of Art—belonged to the nation to be spent in the promotion of art in Scotland.

*MR. THOMAS SHAW admitted that according to the point of view from which the noble Lord presented his case there was at first sight a great deal to be said for the arguments he used. In short, the noble Lord had dealt with one side of the account only. The proposal to which the noble Lord really took exception was with regard to the £28,000, which remained after the grant of £10,000 to the School of Art. If the situation were left as it was the result in his view would be to lose an opportunity of benefiting the Royal Society and also of benefiting the cause of art in Scotland. The National Gallery would have been under the old arrangement left under the obligation to pay their own officers out of the £28,000, which, if invested in ordinary quarters, would produce about

£1,000 a year. Instead of that his right hon. friend—and he congratulated him on his transaction with the Treasury—had transformed the whole position, and had said, “Let the capital go and in place of the Treasury giving a miserable £1,000 a year let it give a handsome grant.” What the Treasury had done was three-fold. In the first place it had agreed to defray all the working costs equal to £2,000 a year, it had consented to buy pictures up to £1,000 a year, and it had made a new grant of £2,000 a year in perpetuity.

*MR. MORTON: All Scottish money.

*MR. THOMAS SHAW said the Treasury had put the £2,000 a year which was Scottish money on to the Consolidated Fund. Accordingly there would be now a gross income for the National Gallery of £2,000 to pay the working charges, £1,000 for pictures, and £2,000 out of the Treasury with which sum pictures might also be purchased and other expenses defrayed in the promotion of art. He was not sure that the noble Lord was right in putting the situation of the Royal Society on the low platform he had placed it. He did not think the Royal Society would have been able in a Court of law to establish a legal claim, but after having been accommodated for so many years it would be a Parliamentary outrage to dispossess the Royal Society without giving them somewhere else to go—especially so, as the dispossession resulted in a benefit to art, because they had increased the buildings available for art to the extent to which science had been dispossessed. It was an entire mistake to think that Scottish money had been encroached upon. For what had been utilised for the Royal Society, more than a *quid pro quo* had been got by an annual revenue on a scale hitherto unknown. Looking all round the subject he thought the transaction had been a fair one, and he thought, upon the whole, seeing what they had been accustomed to from the Treasury for the past ten years, it had been a very happy change for both sides.

MR. YOUNGER said it was a deal no doubt, and to some extent it was probably an improvement on the present position, but he was afraid he

could not admit the claim of the Lord Advocate that it was a very great improvement. The Treasury were discharging the whole of their obligations in respect of the School of Art by the £10,000 which was proposed to be taken from the £38,000, leaving £28,000 which of course, would have been left at interest to pay the expenses for which the Treasury were going to assume the responsibility. All that the Treasury, however, was really doing was to give the difference between £1,640 and £2,000. Undoubtedly there was to be an expenditure of £14,000 on the Gallery, but they were going to substitute that for what amounted to £1,640, and they were only going to retain the £1,000 grant and the £2,000 of Scottish annuities.

*MR. THOMAS SHAW said the matter was very much stronger than he at first put it if the hon. Member took into account the £14,000, because, assuming the £28,000 was being taken away, at the same time half of that was being spent upon the repair of the buildings, and, in addition, there was the annual cost defrayed on the scale he had mentioned.

MR. YOUNGER said he gave the Lord Advocate credit for the full £14,000, but what he wanted to point out was that, although the Bill was to a certain extent advantageous, it was not so advantageous as the right hon. Gentleman made out in his very able arguments, and it did not discharge the full obligation of the Treasury to Scotland in this matter. He thought the Treasury might have been a little more generous and themselves provided for the Royal Society.

*MR. McCRAE said he did not think the Treasury were doing too much in this matter, although he thought Scotland stood to gain a great deal under the Bill. In future the Treasury would discharge certain obligations by which Scotland would get a clear gain of £2,000 a year. In addition to that they would get £14,000 which the Treasury was going to give towards reconstruction of the National Gallery. He would like to know from the Secretary for Scotland whether, in addition to that sum, there would also come

from the Treasury an extra £300 for the Royal Society. That would make an addition of £2,300 a year at least. The noble Lord opposite had raised the question of the proportion, not as between the Treasury and Scotland, but as between art and science, but he appeared to have left out of account the fact that the accumulations which amounted to £38,000 were originally derived from the Board of Manufactures, and from that point of view science had a fair claim to a share of the money. Under the proposed arrangement art as distinguished from science was getting the use of the buildings. They were getting a grant from the Treasury which certainly was better than before, and therefore between science and art he did not think there was any grievance. He thought the right hon. Gentleman was to be complimented on the patience and tact with which he had carried out some very delicate negotiations in regard to this measure, and he thought the Royal Society were to be congratulated because they had come very well out of the negotiations.

*MR. MORTON said they had not had much time to consider the effect of these proposals, but as far as he could calculate he thought the answer would be "thank you for nothing." Scotland would not get anything out of the arrangement which she had not already got. It was notorious that some millions of money were due to Scotland if she only got her legitimate share. It had been said that the proper way to succeed in this matter was to be always in debt, and then there was some chance of getting assistance from the Treasury; but because they had been economical in Scotland and had saved money it was now proposed to take it away from them. He had listened carefully to the speech of the Lord Advocate, who was an excellent lawyer, but it was a well-known fact that lawyers knew nothing about finance, and he did not see that the arguments he had put forward helped them at all. His brief was badly drawn. He had mentioned the sum of £28,000, but he had forgotten to tell the Committee that that sum was really £38,000, and it was only after they had taken £10,000 away for something else that it was reduced. The Lord Advocate had

Mr. McCrae.

tried to make a great point as to the transfer of the £2,000 annuity from the Estimates to the Consolidated Fund. There was really no difference, whether the £2,000 came from the Estimates or the Consolidated Fund except that if it remained on the Estimates, this House retained control, whereas if placed on the Consolidated Fund this House lost all control, and that he supposed was the real object of the Scottish Office in making this proposal. The Lord-Advocate had stated that the Board of Manufactures could spend the whole of the £38,000 if they thought proper, but the Secretary for Scotland had already arranged to devote £10,000 to the School of Art, and he was going to take the remaining £28,000 on account of the Royal Society. He agreed that that Society ought to receive consideration, and they had a moral right to occupy the building on the Mound. He understood that they preferred to be left at their present buildings, because they would not be so well off if they were moved even when they got £28,000 for the building and possibly another £600 per annum. The right hon. Gentleman had spoken about some plans, but he had not seen them. Could they not leave it to the Board of Trustees to consider where the new building should be and what should be done with the money? They might consider the question whether there ought to be a new National Gallery upon another site altogether. According to the evidence given before the Committee the present site on the Mound was not considered to be a good one.

THE CHAIRMAN: I understand that an Amendment will be moved on this particular point, and therefore the hon. Member ought not to discuss it now.

*MR. MORTON said he was making those remarks with the idea of saving time instead of proposing the Amendment referred to. All he was asking for was that in regard to money Scotland should be treated as well as England or Ireland, and he thought they had a right to demand that under this new arrangement. His right hon. friend ought not to be afraid of the Treasury. Scotland contributed a vast sum of money to the revenue.

THE CHAIRMAN: The hon. Member is getting very wide of this Amendment, and he is talking about increasing the grant. That is a question upon which no Amendment can be moved.

*MR MORTON said he hoped the Secretary for Scotland would not be satisfied until Scotland was treated at least as well as the other parts of the kingdom.

MR. AKERS-DOUGLAS said that in finding a new home for the Royal Society he objected to the Government using money which was ear-marked for other purposes. He thought the Treasury might have been a little more generous in this matter; they had not given that amount of money to Scotland which they naturally expected considering that nine-tenths of the Cabinet were Scottish representatives or Scottish Peers. He regretted the right hon. Gentleman's decision upon this question. He thought it would be a pity to utilise the Institution buildings for purposes for which they were not originally intended. The Royal Society were well housed, and in his opinion they were in a far better position than the one which had been suggested. He wished to protest against robbing art to pay science. He thought it would have been far more generous on the part of the Government if they had found the necessary money to pay for these alterations rather than have appropriated money which had been ear-marked for other purposes and which ought to have been spent for special purposes instead of being hoarded up. He regretted that any portion of this money was to be used for the purpose of rehousing the Royal Society.

MR. BUCHANAN (Perthshire, E.) said that during the discussions which took place in the Committee there were many difficulties to be encountered, and one of them was what was to be done with the Royal Society. It was held that if the Royal Society had to be moved it could only be moved to suitable quarters, and he ventured to assert that the proposal now made by the Secretary for Scotland had at least solved that difficulty. The Committee ought to remember that this was a difficulty which the right hon. Gentleman opposite and his colleagues attempted to deal with in the

last Parliament, but as the right hon. Gentleman well knew, there was many a slip between the Report of a Committee and the carrying out of their recommendations. By this measure the Secretary for Scotland had succeeded in solving some of those difficulties, although hon. Members might differ in regard to the amount which ought to be paid to the Royal Society. He was prepared to defend that amount. He had been a member of the Royal Society for twenty-five years; it occupied very convenient quarters for its purpose, and it was thought that at any rate that Society He should like to know whether they should be as well housed in the future as it had been in the past. He had considered these proposals very carefully, and he did not think they could honestly say that the Royal Society ought to be content with any sum less than that which was offered them. But even supposing they were paying a few thousand pounds more than the most rigid economist thought the Society was entitled to, surely it was worth the money to get this difficulty out of the way.

MR. AKERS-DOUGLAS said no one grudged the money; what they objected to was the source from which it was taken.

MR. BUCHANAN said there was nothing in the Report of the Committee to say that the Royal Society ought not to be housed at the expense of the Board of Manufactures, because that Society was housed in its present quarters at the expense of the accumulated funds of that Board. Provision was made for its accommodation and the whole expense of the Royal Institution buildings were paid for out of the accumulated funds of the Board of Manufactures. There was absolutely no reason why those funds should not bear part, if not the whole, of the necessary expense entailed by the housing of the Royal Society. He earnestly urged the Committee to accept this settlement so as to put the National Gallery of Scotland on a firm foundation, and thereby promote the study and advancement of fine art in that country.

MR. MUNRO FERGUSON was quite prepared to accept the proposals of the Government, but not as a final settlement

of the question. He did not think these proposals satisfied the just claims of Scotland with respect to either art or science. Scotland was greatly in arrears in the matter of grants of public money. It had been stinted for the last twenty years, and when hon. Members made representations in favour of fresh expenditure the late Prime Minister used to remind them that he was a Scotsman, until he himself came to accept that as an intimation that some unparalleled injustice was going to be inflicted on his country. That was their experience of the way in which Scottish claims were met when the Tory Party were in power. He sympathised with the right hon. Gentleman the Member for the St. Augustine's Division of Kent in his regret that the money was to be drawn from a reservoir which might have been used for another purpose. There were Scotsmen in the late Government, and except in regard to what was done by the noble Lord, who played a conspicuous part in the inquiry, he had never been able to detect that anything was done by the late Government for the advancement of science and art in Scotland. He did not rise for the purpose of indulging in Party recrimination, but he wished to point out, as a matter of fact, that they had these great arrears to make up in Scotland. He looked upon this as the first step, but he thought it was far from a final settlement.

*MR. SMEATON moved as an Amendment to the Secretary for Scotland's Amendment to leave out "prescribed" and insert "decided upon by the Board of Trustees." He wished to get rid of the word "prescribed" which meant prescribed by the Secretary for Scotland. Even after the special pleading of the Lord Advocate he thought a perfectly clear case had been made out by the noble Lord in regard to what was called the general fund. That fund had been in the course of many years raised by savings of money which ought to have been devoted to the purchase of pictures. It was, as the noble Lord had shown, a Scottish Art fund, pure and simple. Although they were told that this Bill had nothing whatever to do with science, here was a proposal to insert words in the clause directing that money which belonged to the art of Scotland was to be allocated to science

and art in such sums as the Secretary for Scotland might prescribe. He thought the Board of Trustees ought to be left to decide as to the allocation of the fund. There might be other places in Scotland besides Edinburgh which desired and deserved encouragement in the foundation of art institutes. Why should they not get that encouragement? Edinburgh had not been prominently liberal in the past; it was certainly very inferior to Glasgow. The Board of Trustees would recognise where encouragement to art ought to be given. It seemed to him that the use of the fund ought to be made over entirely to the Board, and that on no account should any portion of the money which ought to have been spent years ago on the purchase of pictures be devoted to the equipment of buildings which had no connection with art. He disputed the right of the Secretary for Scotland thus arbitrarily to apportion to alien purposes money which ought to be devoted to the encouragement and development of Scottish Art.

Amendment proposed to the proposed Amendment—

"In line 2, to leave out the word "prescribed," and insert the words "decided upon by the Board of Trustees."—(*Mr. Smeaton.*)

Question proposed, "That the word proposed to be left out stand part of the proposed Amendment."

MR. SINCLAIR asked his friend not to press the Amendment. He hoped he was not wrong in interpreting the general sense of the Committee as being in agreement with the proposals of the Bill. The history of the Board of Manufactures made it clear that the Royal Society were occupying buildings to which these funds had contributed, and they were doing no more than applying the money to the purpose to which precisely it had hitherto been applied. The scheme of the Bill rested on an agreement between parties which had been arrived at only after considerable consultation with the various interests concerned. He was entirely in accord with what had been said as to its not being a final settlement, but at any rate they had taken the first step. None of these arrangements ever were final, and he hoped that the development of art and science in Scotland might be such as to

Mr. Munro Ferguson.

justify fresh demands on the Treasury. The development of science and art were greatly retarded at present by the conditions under which the Royal Society, the Royal Academy, and the National Gallery carried on their work, and it was in the interest of all the different bodies that the new arrangements which were contemplated should be introduced at the earliest possible moment.

*MR. MORTON said the Amendment to the Amendment would give the new Board something to do and some control of their own affairs in their own house. What the Secretary for Scotland proposed was that the allocation of the fund should be done in a way hon. Members did not know anything at all about.

MR. SINCLAIR: The hon. Member is quite mistaken. This clause simply gives authority to carry out arrangements which I have already outlined to the Committee this afternoon.

*Mr. MORTON said his hon. friend's proposal was that the Board of Trustees should have power to say how the money was to be allocated. What the Secretary for Scotland proposed was that the allocation of the fund should be done in the way he prescribed. What he and his friends were endeavouring to do was to get an efficient, independent, and intelligent body to act as Board of Trustees.

*MR. SMEATON asked leave to withdraw his Amendment, expressing the hope that some more equitable distribution of the money might be made.

Amendment to the proposed Amendment, by leave, withdrawn.

Main Question again proposed.

MR. C. E. PRICE said he had taken an active part in the negotiations, and he congratulated the Secretary for Scotland on the arrangements he had made for housing the Royal Society. He also congratulated the right hon. Gentleman on securing from the Treasury a grant of £600 a year.

Question put, and agreed to.

VOL. CLXVII. [FOURTH SERIES.]

*MR. MORTON moved that the property held in trust by the Board of Trustees should be applied towards the completion of the national monument on the Carlton Hill to serve as the National Gallery for Scotland. He thought the Carlton Hill would be a magnificent site, and he would be satisfied if he got an assurance that the Board of Trustees would have the right to consider the suggestion. He understood that the corporation of Edinburgh had spent a hundred guineas in circulating a handsome book on this subject, and that showed that they thought the matter worthy of consideration. If that site were selected, he believed there would be no difficulty in getting sufficient money from Scotsmen to supplement the Government grant in order to erect a building which would be worthy of Scotland and of the city of Edinburgh. He understood that the corporation of Edinburgh were willing to give a site on the Carlton hill. That would be a good beginning. He begged to move as a matter of form.

Amendment proposed—

"In page 3, to leave out lines 23 and 24, and insert the words 'towards the completion of the National Monument on the Carlton Hill to serve as the National Gallery for Scotland.'"—(*Mr. Morton.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. AKERS-DOUGLAS said he could not agree with the Amendment, because he did not think on artistic grounds the National Memorial in Edinburgh suitable for a National Gallery. He was bound to say that he still adhered very strongly to the view of the Departmental Committee that there should, sooner or later, be secured in Edinburgh a National Gallery worthy of the nation. The Committee came to the conclusion that no alteration of the existing buildings would make a proper gallery for Scotland. It was pointed out to them that, situated as the present gallery was on the Mound, with the vibration of trains passing under it, and subject to the influence of smoke which was detrimental to oil paintings, they should hesitate permanently to house art treasures there. The Committee, however, recommended that the gallery might be

used for temporary exhibitions of pictures. The Committee came to the conclusion that the scheme as to the Royal Institution—though not an ideal one—might serve for a time: and that if carried out they would still have a crowded gallery and there would be no room for expansion. At any rate, the Treasury must not come to the conclusion that they had settled the question of a National Gallery for Scotland for all time. He only gave his personal view, but he had considerable connections with Scotland and knew Edinburgh well, and from his own observation he had come to the conclusion that the present site of the National Gallery and the Royal Institution was fatally objectionable for any proposed new National Gallery, even if a building suitable for it could be there erected. They ought to get away from the present site with its smoke from the railway, to another site on which a National Gallery could be erected that would be an honour and glory to the city of Edinburgh and worthy of the nation.

MR. SINCLAIR said that all the Government put forward for this scheme was that it was practical, that it was suitable for the needs of time, and that it did not stand in the way of any larger development which might come hereafter. He could assure the hon. Member for Sutherland that if he brought forward his scheme at a future date it would be duly considered.

*MR. MORTON said he was very glad to have had the able assistance of the right hon. Member for St. Augustine's. This was not a political matter. As he understood now, the trustees would have the power at a future time, not necessarily far off, to consider a new building on a new site.

MR. SINCLAIR said that no doubt the Board would have full power to consider any proposal for a larger scheme which the hon. Member for Sutherland and his friends might come forward with sufficient funds to carry it out.

*MR. MORTON said he hoped that the new body of trustees would be more patriotic than the Lord Advocate. He asked leave to withdraw his Amendment.

Mr. Akers-Douglas.

Amendment, by leave, withdrawn.

Clause 6, as amended, agreed to.

Clause 7 :—

MR. SINCLAIR moved to insert after the word 'works' the words "in the case of the two first mentioned buildings." He wished to make a brief explanation that the fund of £3,000, which had been contributed for the maintenance and repair of the fabric of Dunblane Cathedral would be held by the Board of Trustees and devoted for that purpose just as it was now held by the Board of Manufactures. The Committee might rest assured that there was complete agreement between the Government and the authorities of Dunblane Cathedral.

Amendment proposed—

"In page 3, line 29, after the word 'works' to insert 'in the case of the two first mentioned buildings.'"—(*Mr. Sinclair.*)

Question proposed, "That those words be there inserted."

Question put, and agreed to.

*MR. MORTON said he understood that in future whatever money was necessary for maintaining the fabric of the Cathedral beyond this £3,000 would be given by Parliament.

MR. SINCLAIR said that the agreement distinctly stated that the Board of Trustees were to be charged with the maintenance and repair of the Cathedral.

*MR. MORTON said he congratulated the right hon. Gentleman on the agreement come to with regard to this ancient and historic building.

Amendment proposed—

"In page 3, line 30, after the word 'and' to insert the words 'in the case of the two last-mentioned buildings for the purposes and subject to any rights for or subject to which such buildings are presently held. The said buildings.'"—(*Mr. Sinclair.*)

Question, "That those words be there inserted, put, and agreed to.

MR. BLACK said he had an Amendment to propose on Clause 7, line 30; to

insert after "and" the words "together with any buildings vested in the Commission of Works for the purposes of the Royal Society of Edinburgh."

MR. SINCLAIR said that subject to the concurrence of the Treasury he would introduce the Amendment on Report.

MR. BLACK said that on that understanding he would withdraw his notice of Amendment.

Amendments proposed—

"In page 3, line 39, leave out the word 'endowment' and insert the word 'repair.'" (*Mr. Sinclair.*)

"In page 3, line 40, at the end, to add 'Provided that nothing in this Act contained and nothing done under this Act shall have the effect of imposing upon the heritors of the parish of Dunblane any obligations from which they were free at the passing of this Act.'"—(*Mr. Sinclair.*)

Amendments agreed to.

Clause 7, as amended, agreed to.

Clauses 8 and 9 agreed to.

MR. C. E. PRICE said he wished to move a new clause providing that the Royal Scottish Geographical Society should, during the pleasure of the Secretary for Scotland, remain in undisturbed possession of the rooms at present occupied by the Society in the National Portrait Gallery, rent free. He very much regretted that in the very interesting and satisfactory review which the Secretary for Scotland had given to the Committee, the right hon. Gentleman had taken no notice of the Royal Scottish Geographical Society, his point being that this Bill dealt with art, and not with geographical science. The lease of the Royal Scottish Geographical Society of the present premises expired last year, and they were now asking for some security of tenure. The society had done some excellent work for Scotland and the world; and he questioned whether there was any Geographical Society that had done better work. Its membership numbered 2,000, and it had branches in Glasgow, Aberdeen, and Dundee, and there was a request for a branch to be established in Perth. The society received no grant from the Government, and while the Royal Geographical Society of

England received a grant of £500 a year, the Scottish Society was charged £120 a year for rent. The Society had a large number of maps which were always open for inspection. Further, a resolution had recently been passed that the teachers of Scotland should have the privilege of becoming Members of the Society on payment of £1 ls., instead of £2 2s. He hoped that the Secretary for Scotland would give some assurance that the modest request made in the Amendment which he proposed would be acceded to.

MR. EUGENE WASON (Clackmannan and Kinross) seconded the adoption of the new clause, and associated himself with all that the hon. Member for Central Edinburgh had said. He would point out that in the Report of the Departmental Committee of the Board of Education, a hope was expressed that it might be possible to forego this rent of £120 a year. This was a small thing to ask for, when it was remembered that the Royal Geographical Society of England received a grant of £500 a year.

New clause—

"The Royal Scottish Geographical Society shall, during the pleasure of the Secretary for Scotland, remain in undisturbed possession of the rooms at present occupied by them in the National Portrait Gallery free of rent."—(*Mr. G. E. Price.*)

Brought up and read a first time.

Motion made, and Question proposed,
"That the clause be read a second time."

MR. CROMBIE said he might be permitted as one who had taken a prominent part in the negotiations in regard to this Bill to express the hope that the hon. Member would not press the Amendment. He sympathised with the claim of the society to public support, but the Amendment would do the society no good, and would take away the ground for a claim for a grant from the Treasury, while the remission of the rent would simply be the transfer of the amount from one Scottish institution to another.

LORD BALCARRES said that, if this Amendment was carried, a charge of £120 a year would be put on the country, and

he did not think that any private Member had a right to make such a Motion. The hon. Member had spoken of the grant of £500 to the Royal Geographical Society of England, but the obligations attached to the grant actually involved a loss to the Society. Everybody knew that the Royal Scottish Geographical Society was a most admirable institution, perhaps the best of its kind in Great Britain; but he strongly objected that the existing rooms which they occupied were suitable to such a society, and he thought that those rooms should be added to the accommodation of the Antiquarian Museum, or the National Portrait Gallery.

MR. SINCLAIR said he wished to bear testimony to the excellent work done by the Royal Scottish Geographical Society, but he objected to the clause proposed by the hon. Member on the ground that it would deprive the new Board of Trustees of a part of its income, and fetter the discretion of the Board in giving consideration to any claim that the society might put forward in the ordinary way to the Treasury.

THE CHAIRMAN said he had looked into the point raised by the noble Lord the Member for Chorley, and his opinion was that the clause was out of order as it involved the creation of a public charge. It was incompetent for a private Member to move such a Motion.

MR. C. E. PRICE accepted the decision of the Chairman, but he wished to say that the debate had been eminently satisfactory to Scotland, and it would be most ungracious to press the Amendment to a division. He hoped, however, that the Prime Minister would use his influence to secure that something should be done by way of grant from the Treasury to the Royal Scottish Geographical Society.

Clause withdrawn.

*MR. MORTON said he wished to support his hon. friend, and would move his Amendment omitting from it the last three words viz., "free of rent." That would do something for the Royal Scottish Geographical Society, as it would enable them to remain in undisturbed possession of their present quarters.

Lord Balcarres.

New clause—

"The Royal Scottish Geographical Society shall, during the pleasure of the Secretary for Scotland, remain in undisturbed possession of the rooms at present occupied by them in the National Portrait Gallery."—(*Mr. Morton.*)—

Brought up; and read the first time.

Motion made, and Question proposed, "That the clause be read a second time."

MR. PIRIE, in supporting the clause, expressed the hope that the Scottish Geographical Society would receive better treatment than they had received in the past. No society had done more useful work than the Scottish Geographical Society, and no body had been more shamefully treated.

MR. DALZIEL said he had a good deal of sympathy with the present position of the Scottish Geographical Society. The question now before the Committee was whether the Bill should provide that the society should continue in its present offices without disturbance. There was no question of cost. His hon. friend had only asked for an assurance that some consideration should be given to the claim of this society to remain in undisturbed possession of the rooms they now occupied. He would suggest to the Secretary for Scotland whether he could not give an undertaking that in his official capacity he would send a communication to the new authority laying before them the claims of the society.

*MR. BUTCHER (Cambridge University) said he was one of the trustees of the Scottish Geographical Society, and as such he desired to say a word in support of the appeal made by hon. Members opposite. Not only had the society done remarkable work of a national character, but in its rooms was housed a very admirable library, which was consulted by people from all parts of Scotland and by many colonial people also. He believed it would be a real national loss if the society were liable to be summarily ejected from its rooms and to lose the use of that library.

MR. SINCLAIR assured his hon. friends that there was not the least reason to think that the transference of the powers of the old Board of Manufactures to the new authority would be

in any way hostile to the interests of the Scottish Geographical Society. They were not yet in possession of materials which could enable them to pass judgment on the question of whether or not this Society deserved financial support from the Government. He appealed to his hon. friends not to prejudge the matter at present. It was a mere accident that the Scottish Geographical Society now occupied rooms in the National Portrait Gallery, and he did not think it would be a businesslike proceeding to fetter the new authority with any conditions of the kind proposed. They should not confuse the issue raised by the Bill with that of the welfare of the Scottish Geographical Society. The claims of the society could be considered on their merits at the proper time, and he was sure those claims would have much better prospect of favourable consideration at the proper time than they could have at the present moment. He begged the friends of the Scottish Geographical Society to be content to-day with the very emphatic testimony which had been given to the public appreciation of their work in Scotland.

MR. PIRIE said he would be willing to fall in with the appeal of the Secretary for Scotland on the distinct understanding that when the society did make a claim for further consideration they would be treated in a different manner from that in which they had been in the past by the Government.

MR. DALZIEL regretted the right hon. Gentleman had not been able to make the small concession asked for.

MR. RAINY (Kilmarnock Burghs) asked the Secretary for Scotland if he would go so far as to say that, in the event of the Geographical Society being removed from its present premises, he would see that the claims of the society were pressed on the Treasury.

*MR. R. DUNCAN said the Committee had had an interesting discussion, and the statement of the right hon. Gentleman had been received with general good humour. He thought, however, that he showed far too much of that caution which was generally supposed to be a characteristic of the North. He asked

for a definite pledge that the claims of the Geographical Society should be borne in mind and that no harm should happen to it.

MR. SINCLAIR said he could not conceive anything more likely to prejudice the position of the society than the adoption of the suggestion of his hon. friend the Member for Kilmarnock Burghs. He thought the safest course was to leave the matter where it was. He had strong sympathy with the Geographical Society, but there were other societies, and they had to consider the general interests of the community. He promised to give his most careful consideration to the claims of the Geographical Society when the proper time came.

MR. MUNRO FERGUSON agreed with the Secretary for Scotland that this was a matter that stood by itself. When the Scottish Estimates came up next session they could raise the whole question and endeavour to get a proper grant for the Scottish Geographical Society.

Clause, by leave, withdrawn.

Bill reported; as amended, to be considered upon Monday next.

CENSUS OF PRODUCTION BILL.

Order read, for resuming Adjourned Debate on Amendment proposed [22nd November] on Consideration of the Bill, as amended (by the Standing Committee).

Which Amendment was—

"In page 1, lines 6 and 7, to leave out the words 'subsequently at such intervals,' and insert the words 'and each year following.'"
—(Sir George Doughty)—instead thereof.

Question again proposed, "That the words proposed to be left out stand part of the Bill."

MR. MYER (Lambeth, N.) as a point of order stated that they had been assured that this Bill was not coming on. He moved the adjournment of the debate, which he said had been sprung upon the House. This was a most important Bill of a very far-reaching and revolutionary character. It was not

alone the large manufacturers who were called upon to give a return of their production and wages, but it included the lowest and the smallest, and it involved a penalty such as he ventured to say there was not a precedent for in any other Act of Parliament. A man who employed a couple or three men to do little repairs on his premises, in case he did not give a proper return of the wages or the amount which he had expended on purchasing material, was liable to a penalty.

*MR. DEPUTY - SPEAKER said the hon. Member was not in order in making a Motion for the adjournment to discuss the Bill. He must confine himself to discussing the Motion for adjournment.

MR. MYER said it was for the purpose of supporting the adjournment that he was referring to the effect of the Bill. Of course he would submit to the ruling of Mr. Deputy Speaker, but he contended that he was perfectly in order in pointing out his reasons for moving the adjournment of the debate. The Bill inflicted a penalty of a magnitude almost equivalent to capital punishment on these small manufacturers and owners of small businesses, and in his opinion the Bill was part and parcel of a scheme of collectivism and possibly socialism.

*MR. DEPUTY - SPEAKER said the hon. Member must not discuss the Bill in this way. He was entitled to argue that the importance of the Bill was such that it could not now be discussed with advantage, but he must not go into matters of detail as to the provisions of the Bill.

MR. MYER said in that case he would content himself with moving the adjournment of the debate.

MR. CREMER seconded the Motion, as he thought they had good grounds for postponing the discussion. No timely notice had been given to the House for the proper consideration of this measure, or for the consideration of the Amendments on the Paper, of which there were no less than forty-eight, many of them of a vital character. Many of them, moreover, were not proposed by the Opposition, because eighteen of

them had been put down by Members on the Ministerial side of the House, and in addition six Amendments had been given notice of by the Minister in charge of the Bill. He thought it was too bad at that late hour to bring the Bill forward and call upon the House seriously to consider a measure of this inquisitorial character when everybody expected to get away. The Whip circulated that morning contained no intimation that the consideration of the Bill would be resumed, and he understood that several hon. Members who had Amendments on the Paper had gone away, as some kind of assurance that the Bill would not come on that afternoon had been given. He thought, therefore, they were justified in asking that the Bill should be postponed, and that it should be brought on at a reasonable hour.

Motion made and Question proposed, "That the debate be now adjourned."—
(*Mr. Myer.*)

THE PRESIDENT OF THE BOARD OF TRADE (MR. LLOYD-GEORGE, Carnarvon Boroughs) trusted that the Motion would not be pressed. It was the second dilatory Motion made from the Ministerial side of the House that day, and the consequence was that a good deal of time had been wasted. He was sure, however, that it was not the intention of his hon. friend to waste the time of the House. His hon. friend sat on the Committee, but he did not recollect that he passed a single criticism on the Bill, and that was an opportunity of which he might have availed himself had he objected to the measure. Although the Amendments were forty-eight in number they were not so formidable as they looked, and most of the Amendments he had put down were agreed to by the opponents of the Bill.

LORD R. CECIL (Marylebone, S.) said that if, as stated by an old and respected Member of the House, there had been an understanding that the Bill should not be proceeded with that afternoon, and if in consequence of that hon. Members with Amendments on the Paper had gone away, the proposal to go on with the debate was a serious one.

MR. LLOYD-GEORGE intimated that if such were the case he could not proceed. But he was not aware of any such understanding.

Mr. Myer.

MR. T. L. CORBETT (Down, N.) entered a protest on behalf of the hon. Members on the opposite side of the House who had ventured to disobey the "muzzling order." It was exceedingly hard, he said, on a well-disciplined House like that which the Government led, that when one or two Members ventured to make a protest about particular items in a Bill, they should be treated in a very severe way by the right hon. Gentleman. He made his protest in the name of liberty of debate, and freedom of discussion. Hon. Members on the other side of the House who differed from the

Government on particular issues should be allowed briefly to express their views without being sat upon.

MR. MYER asked leave to withdraw the Motion, as there might be an opportunity of raising the matter on the Third Reading.

Leave being refused,

Question put.

The House divided:—Ayes, 16 ; Noes, 197. (Division List No. 498.)

AYES.

Balcarres, Lord
Beckett, Hon. Gervase
Carlile, E. Hildred
Cavendish, Rt. Hon. Victor C. W.
Cecil, Lord R. (Marylebone, E.)
Craig, Capt. James (Down, E.)
Craik, Sir Henry

Cremer, William Randal
Dixon-Hartland, Sir Fred Dixon
Douglas, Rt. Hon. A. Akers-
Liddell, Henry
Myer, Horatio
Sloan, Thomas Henry
Talbot, Lord E. (Chichester)

Walrond, Hon. Lionel
Wortley, Rt. Hn. C. B. Stuart-

TELLERS FOR THE AYES—MR.
T. L. Corbett and Sir
Frederick Banbury.

NOES.

Ainsworth, John Stirling
Alden, Percy
Ambrose, Robert
Asquith, Rt. Hn. Herbert Henry
Baker, Joseph A. (Finsbury, E.)
Baring, Godfrey (Isle of Wight)
Barlow, John Emmott (Somerset)
Barlow, Percy (Bedford)
Barnard, E. B.
Barnes, G. N.
Barry, E. (Cork, S.)
Beaumont, Hn. W. C. B. (Hexh'm)
Bellairs, Carlyon
Benn, W. (T'w'r Hamlets, S. Geo.)
Bennett, E. N.
Billson, Alfred
Birrell, Rt. Hon. Augustine
Black, Alexander Wm. (Banff)
Boland, John
Boulton, A. C. F. (Ramsey)
Bowerman, C. W.
Brace, William
Bridgeman, W. Clive
Brigg, John
Brocklehurst, W. B.
Bryce, Rt. Hn. James (Aberdeen)
Bryce, J. A. (Inverness Burghs)
Burke, E. Haviland-
Burns, Rt. Hon. John
Byles, William Pollard
Cairns, Thomas
Cameron, Robert
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Clancy, John Joseph
Cleland, J. W.
Clough, William

Coats, Sir T. Glen (Renfrew, W.)
Collins, Sir Wm. S. (J. Pancras, W.)
Condon, Thomas Joseph
Corbett, CH. (Sussex, E. Grinst'd)
Courthope, G. Lloyd
Craig, Herbert J. (Tynemouth)
Crean, Eugene
Crombie, John William
Crooks, William
Dalziel, James Henry
Delany, William
Dewar, Arthur (Edinburgh, S.)
Dickinson, W. H. (St. Pancras, N.)
Dolan, Charles Joseph
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Dunne, Major E. Martin (Walsall)
Edwards, Enoch (Hanley)
Edwards, Frank (Radnor)
Erskine, David C.
Esmonde, Sir Thomas
Evans, Samuel T.
Everett, R. Lacey
Farrell, James Patrick
Fenwick, Charles
Ferguson, R. C. Munro
Ffrench, Peter
Findlay, Alexander
Fuller, John Michael F.
Gibb, James (Harrow)
Gilhooly, James
Ginnell, L.
Gladstone, Rt. Hn. Herbert John
Grant, Corrie
Gulland, John W.
Gurdon, Sir W. Brampton
Gwynn, Stephen Lucius
Halpin, J.
Hardie, J. Keir (Merthyr Tydvil)
Hay, Hon. Claude George

Hayden, John Patrick
Hendersor, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Henry, Charles S.
Higham, John Sharp
Hills, J. W.
Hogan, Michael
Horniman, Emslie John
Hudson, Walter
Idris, T. H. W.
Jackson, R. S.
Jardine, Sir J.
Jones, Sir D. Brynmor (Swansea)
Jones, Leif (Appleby)
Joyce, Michael
Kearley, Hudson E.
Kekewich, Sir George
Law, Hugh A. (Donegal, W.)
Lewis, John Herbert
Lloyd-George, Rt. Hon. David
Lough, Thomas
Lundon, W.
Lynch, H. B.
Macdonald, J. M. (Falkirk B'ghs)
Macnamara, Dr. Thomas J.
MacNeill, John Gordon Swift
MacVeagh, Jeremiah (Down, S.)
McCallum, John M.
McCrae, George
McKean, John
McKillop, W.
McLaren, H. D. (Stafford, W.)
Maddison, Frederick
Magnus, Sir Philip
Masterman, C. F. G.
Meagher, Michael
Meehan, Patrick A.
Molteno, Percy Alport
Money, L. G. Chiozza
Mooney, J. J.

Morgan, G. Hay (Cornwall)
 Morrell, Philip
 Morton, Alpheus Cleophas
 Murphy, John
 Napier, T. B.
 Nicholson, Chas. N. (Doncast'r)
 Norman, Sir Henry
 Norton, Capt. Cecil William
 O'Brien, Kendal (Tipperary Mid)
 O'Brien, Patrick (Kilkenny)
 O'Connor, James (Wicklow, W.)
 O'Connor, John (Kildare, N.)
 O'Connor, T. P. (Liverpool)
 O'Doherty, Philip
 O'Donnell, John (Mayo, S.)
 O'Donnell, T. (Kerry, W.)
 O'Grady, J.
 O'Hare, Patrick
 O'Malley, William
 O'Shaughnessy, P. J.
 Paul, Herbert
 Pirie, Duncan V.
 Pollard, Dr.
 Power, Patrick Joseph
 Price C. E. (Edinb'gh, Central)
 Radford, G. H.
 Rainy, A. Rolland

Rea, Russell (Gloucester)
 Reddy, M.
 Redmond, John E. (Waterford)
 Redmond, William (Clare)
 Richards, T. F. (Wolverhampton)
 Rickett, J. Compton
 Ridsdale, E. A.
 Robertson, Rt. Hon. E. (Dundee)
 Robson, Sir William Snowdon
 Rogers, F. E. Newmann
 Russell, T. W.
 Rutherford, V. H. (Brentford)
 Samuel, Herbert L. (Cleveland)
 Sears, J. E.
 Shaw, Rt. Hon. T. (Hawick, B.)
 Sheehy, David
 Sherwell, Arthur James
 Sinclair, Rt. Hon. John
 Smeaton, Donald Mackenzie
 Smyth, Thos. F. (Leitrim, S.)
 Spicer, Sir Albert
 Stewart, Halley (Greenock)
 Stewart-Smith, D. (Kendal)
 Straus, B. S. (Mile End)
 Sullivan, Donal
 Taylor, Theodore C. (Radcliffe)
 Tennant, Sir Edward (Salisbury)

Tennant, H. J. (Berwickshire)
 Tuke, Sir John Batt
 Ure, Alexander
 Walker, H. De R. (Leicester)
 Wallace, Robert
 Ward, John (Stoke upon Trent)
 Wardle, George J.
 Wason, Eugene (Clackmannan)
 Wason, John Cathcart (Orkney)
 Watt, H. Anderson
 Whitbread, Howard
 White, George (Norfolk)
 White, J. D. (Dumbartonshire)
 White, Patrick (Meath, North)
 Whitehead, Rowland
 Whittaker, Sir Thomas Palmer
 Wiles, Thomas
 Williamson, A.
 Wilson, W. T. (Westhoughton)
 Winfrey, R.
 Wood, T. McKinnon
 Younger, George
 Yoxall, James Henry

TELLERS FOR THE NOES—Mr.
 Whiteley and Mr. J. A.
 Pease.

Question, "That the words proposed to be left out stand part of the Bill," put, and agreed to.

MR. LLOYD-GEORGE moved an Amendment providing that the interval before the second and subsequent censuses should be determined by order made by the Board of Trade as soon as practicable after the taking of the first census and laid before both Houses of Parliament. He explained that the Amendment would meet suggestions made on the other side. It would give Parliament an opportunity of deciding after the first experiment what interval they would like. He thought it was undesirable to decide what interval should elapse before they knew how the first census had gone.

Amendment proposed to the Bill—

"In page 1, line 7, to leave out from the word 'intervals' and insert the words, 'such intervals as may be determined by an order made by the Board of Trade as soon as practicable after the taking of the first census and laid before both Houses of Parliament.'"—(Mr. Lloyd-George.)

Question proposed, "That the words proposed to be left out stand part of the Bill."

*MR. CARLILE (Hertfordshire, St. Albans) asked whether his Amendment standing on the Paper to make the intervals "of not less than five years,"

ought not to come before the Amendment of the President of the Board of Trade.

*MR. DEPUTY-SPEAKER said Government Amendments had precedence.

LORD R. CECIL suggested that his hon. friend's Amendment ought to be moved before that of the right hon. Gentleman. It was not at all contradictory to the words of the Government Amendment.

MR. LLOYD-GEORGE said there was some debate in Committee as to whether there should be an interval of one or five years. Both suggestions came from hon. Gentlemen opposite. By way of alternative he put forward the proposal he was now making, and it was absolutely inconsistent with the suggestion of the hon. Gentleman.

*MR. DEPUTY-SPEAKER said that having regard to the character of the previous debate the Amendment of the hon. Member for St. Albans could not be moved before the Government Amendment as it was an alternative proposal.

*MR. CARLILE said in that case he would have to content himself with stating his objection to the right hon. Gentleman's Amendment, namely, that

at the present time the whole subject of the Bill was before Parliament. When, however, the President of the Board of Trade asked Parliament on a future occasion to fix the date of the next census the subject would not be fresh in the minds of hon. Members. In the United States the interval between these censuses was ten years, but he thought five years would be sufficient. If, however, the returns were to be made annually the right hon. Gentleman and his staff would be unable to grapple with the work, and as a result, instead of a complete and reliable production, they would have a hurried Return made from an ill-digested mass of documents. He did not wish to hinder the passage of the Bill, but he thought the House should decide now what the interval was to be, instead of leaving it to the President of the Board of Trade to decide from time to time.

MR. LLOYD-GEORGE: Not from time to time. That is the alternative. My suggestion is to decide once for all by Order what those intervals should be.

*MR. CARLILE said that by the time the first Returns were in the hands of Members they would have forgotten a great deal of what the Bill contained, and any suggestion that was then made would not meet with the intelligent consideration that it would receive at the present time, when the minds of hon. Members were concentrated upon the Bill. He suggested that it would be better to allow the House to decide now what the first interval at any rate should be.

Amendment agreed to.

CAPTAIN CRAIG (Down, E.) said the Amendment standing in his name to leave out the words "as may be prescribed" in Clause 3 was only a drafting Amendment which he would not move if the right hon. Gentleman thought it was unnecessary, but the words seemed to him to be a repetition.

MR. LLOYD-GEORGE said the Amendment would make the sentence ungrammatical and would not permit the carrying out of the work.

CAPTAIN CRAIG: Then I shall not move the Amendment.

*MR. CHIOZZA MONEY (Paddington, N.) moved an Amendment providing that the particulars to be called for should include the capital employed. He said he was not quite sure whether these particulars might not be obtained under the permissive words at the end of the first sub-section of the clause, and which might be narrowly or widely interpreted according to the judgment of the President of the Board of Trade or the permanent officials. If he had an assurance that the words were covered by the sub-section he would not proceed with his Amendment. If not, he would like to point out that particulars as to capital employed were one of the most important details to be ascertained if they were to get a true idea of the progress of industry. In the United States these particulars were obtained, and were of great value. To some extent they could be ascertained in this country, owing to the limited liability system; therefore he did not think his Amendment would add much to the inquisitorial character of the Bill, and the gain would be very great.

MR. HILLS (Durham) seconded the Amendment. It was, he said, of enormous importance that they should know from time to time the amount of capital invested in home industries, and he did not think the Amendment would impose any additional burden on manufacturers.

Amendment proposed to the Bill—

"In page 1, line 21, after the words 'relating to the,' to insert the words 'capital employed.'"—(*Mr. Chiozza Money.*)

Question proposed, "That those words be there inserted in the Bill."

MR. LLOYD-GEORGE hoped the Amendment would not be pressed. In an experiment of this kind they must proceed very tentatively and not so as to alarm manufacturers. The Bill represented very largely a compromise between those who opposed it altogether and those who were anxious to see it passed, and he was bound, by the pledge he gave in Committee, to

oppose anything which would extend the operation of the Bill. He trusted, in order that the Bill might be got, hon. Gentlemen would not attempt to extend it. If they did the Bill would have to be dropped altogether.

SIR E. CARSON (Dublin University) was glad the right hon. Gentleman had given this intimation. He too hoped that the scope of the Bill would not be extended, because it was one of a very experimental character. Putting in the words "capital employed" would really give nothing, because were they to take the actual capital, some of which might have been lost, or were they to take the capital which might have increased? If it was to be worth anything some scientific valuation would be necessary. The words "capital employed" was an ambiguous phrase.

MR. MYER said that if his hon. friend knew all about limited liability companies he would be aware that the nominal capital did not in any way represent the capital value, and therefore the information his hon. friend desired would be absolutely valueless.

MR. CHIOZZA MONEY begged leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

CAPTAIN CRAIG moved to leave out the words which prescribed that the particulars to be supplied should include the number of days on which work was carried on. He could see no great advantage to be derived by including these particulars. They would be misleading, because there were days on which the only work done was in making up or taking out fires; and in certain cases work began late on Sunday night. As they all desired to get the Bill through he had no desire to occupy time, though he could see serious trouble in the preparation of the forms.

MR. T. L. CORBETT seconded the Amendment, and remarked that the Opposition had no desire to embarrass the Government, but only to get the Bill into workable shape.

Mr. Lloyd-George.

Amendment proposed to the Bill—

"In page 1, lines 21 and 22, to leave out the words 'the number of days on which work was carried on.'"—(*Captain Craig.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. LLOYD-GEORGE accepted the assurances of hon. Gentlemen opposite that they were anxious the Bill should pass, but he trusted this Amendment would not be pressed, because the information had to be got in order to ascertain the condition of trades in any particular year. Of course, the number of days employed in attending merely to boilers and so forth would be taken into account.

CAPTAIN CRAIG intimated that he would not press the Amendment.

Amendment, by leave, withdrawn.

*MR. SMEATON, who had an Amendment on the Paper to insert after "employed" the words "the amount of wages paid," said he did not recollect that this question had been fully discussed in Grand Committee.

MR. LLOYD-GEORGE said it was discussed very fully, and as a result of the arrangement arrived at between both Parties it was decided to leave these words out.

*MR. SMEATON said there were in a subsequent clause words which showed that in order to get at the value the amounts paid to the contractors were taken into account, but there were hundreds of industries in which there were no contractors, and it was to them chiefly that his Amendment applied. After the remarks of the right hon. Gentleman, however, he did not desire to move.

MR. WARDLE (Stockport) said he would move the Amendment. It seemed to him that to ascertain these particulars was a very easy and simple matter, and if it was necessary to know the number of days people were employed, surely it

was quite as necessary to know the amount paid in wages in order to get at the real state of an industry. The last census of wages taken in this country was in 1886.

MR. LLOYD-GEORGE was understood to say it would be dealt with next year.

MR. WARDLE said if the right hon. Gentleman would undertake to bring in another Bill dealing with this point he would not move this Amendment.

CAPTAIN CRAIG moved to leave out from the particulars to be returned "the power used and generated." His object was to elicit the view of the President of the Board of Trade as to the way in which the returns could be utilised if not only power generated but the same power used was returned. At present a very large number of manufacturers frequently employed power which was brought in from outside, and he could not see that much value would attach to a return unless these words were struck out and duplication thus avoided. He begged to move.

MR. LIDDELL (Down, W.) formally seconded.

Amendment proposed to the Bill—

"In page 1, line 23, to leave out the words 'and the power used or generated.'"—*(Captain Craig.)*

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. LLOYD-GEORGE said that it was in order to prevent duplication that both terms were inserted in the Bill. They would have returns separately of power used and of power generated.

LORD BALCARRES asked what the answer would be about power used and power generated? Would it be as to the nature of the power or the quantity? Would the answer be gas, electric power, or steam, or would it be 5,000 or 10,000 horse-power?

MR. LLOYD-GEORGE: Horse-power and nature.

LORD BALCARRES said it would be very difficult for a good many firms to say what their horse-power was. They might have machinery for 5,000 horse-power, although they might only use that power occasionally. He thought the number of days employed would also be a meaningless figure and the same with the power.

Amendment negatived.

SIR E. CARSON moved the insertion of words expressly excepting the amount of wages from the particulars to be supplied. The clause as it stood seemed to leave it open to the Board of Trade to make any inquisitorial examinations they pleased and add them to the form prescribed under the Bill.

Amendment proposed to the Bill—

"In page 1, line 24, after the word 'nature' to insert the words 'except the amount of wages.'"—*(Sir E. Carson.)*

Question proposed, "That those words be there inserted in the Bill."

MR. LLOYD-GEORGE said if the right hon. Gentleman pressed these words he would not resist his Amendment. A census of wages could not be taken under the Bill, and the Government were not going to wait for the census under this Bill for a census of wages. By another Bill they would take one earlier.

MR. BARNES (Glasgow, Blackfriars) said that it was twenty-one years since the last wages census was taken, and it was not satisfactory to have such a census at these long intervals instead of, under this Bill, probably every two or three years.

MR. LLOYD-GEORGE said that, as a census of wages could not be taken under the Bill, he had not thought it necessary to put in words to make it clear that it could not be done, but he did not object to the Amendment.

*MR. CHIOZZA MONEY said the supposed objections to inquiries about wages were over-rated. In 1886 the Board of Trade conducted a wages census on a voluntary basis and fully 75 per cent. of the firms applied to for particulars returned their forms. This showed how exaggerated were the objections to compulsory inquiries.

*MR. CARLILE said the amount of wages could be of no possible value. If the total amount of the wages was embodied, it could be no guide to the Board of Trade whatever. Supposing a railway company gave out work to contractors, it was possible that both the railway company and the contractors would make returns for the same work, and the result would be a duplication of returns which would be misleading. If the right hon. Gentleman accepted the Amendment the duplication would be avoided.

MR. LLOYD-GEORGE said the words as they stood in the clause were really to prevent duplication in cases where part of the work was let out. If they were to have a Return from a manufacturer and another from a sub-contractor, that would give the appearance of a greater volume of trade than the facts warranted.

MR. CARLILE asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Amendments proposed to the Bill—

"In page 2, line 17, to leave out sub-section (d)."

"In page 2, line 27, after the word 'Act' to insert the words 'upon receiving notice in writing from the Board of Trade to that effect.'"

"In page 2, line 31, to leave out the words 'so far as practicable.'"—(Mr. Carlile.)

Amendments agreed to.

MR. SMEATON moved an Amendment to Clause 4 to provide that a separate summary of statistics for Scotland should be presented with the Report to Parliament. When the Bill was before the Committee upstairs a special concession was made that the Report to Parliament should contain a separate statement of the

statistics obtained in Ireland. He thought Scotland had an equally good claim to the same concession, for there were some industries which were peculiar to the country, notably Jute manufactures and fine sewing cotton. He had another reason for his Amendment. He believed that the summary would show that Scotland contributed a larger proportion of the total production of the United Kingdom that was generally understood: and that, therefore, Scotland should obtain better terms from the Exchequer than she at present enjoyed.

Amendment proposed to the Bill—

"In page 2, line 40, after the word 'Ireland,' to insert the words 'and a similar separate statement for Scotland.'"—(Mr. Smeaton.)

Question proposed, "That those words be there inserted in the Bill."

MR. LLOYD-GEORGE accepted the Amendment.

LORD BALCARRES asked whether the inclusion in the report of a separate statement in respect of Scotland would add £2,000 or £3,000 to the cost.

MR. LLOYD-GEORGE: I should not think it will cost very much.

Question put, and agreed to.

*MR. CARLILE moved to leave out sub-section (3) of Clause 5 which provided that the Board of Trade, if they thought fit, might arrange to transfer to other Departments "any of their powers and duties under this Act as respects any particular industries or class of industries," and further that the Board might "delegate to a Committee containing representatives of the Departments concerned all or any of their powers and duties" in relation to statistical Returns of production. It seemed to him to be most undesirable that this power of delegation should be conferred on the Board of Trade. The success of the census would depend on the confidence which the people of the country had in the absolute secrecy of the Board of Trade in dealing with the Returns, and that confidence would be very much lessened, if not absolutely destroyed, if the Returns were

to be furnished partly to one Department and partly to another.

LORD R. CECIL seconded the Amendment.

Amendment proposed to the Bill—

"In page 3, line 12, to leave out subsection (3)—(*Mr. Carlile.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. LLOYD-GEORGE accepted the Amendment.

Amendment agreed to.

Amendment proposed to the Bill—

"In page 3, line 22, at the end, to add, 'Provided that the Board of Trade shall not transfer its power, to make rules under Section 8.'"
—(*Mr. Smeaton.*)

Amendment agreed to.

SIR E. CARSON (Dublin University) moved to omit the word "individual" from Clause 6. He thought it was the intention of the Government that no specific Return should be divulged, although it would, of course, be necessary to give the results of the Returns in combination for the information of the House and the public. If they did not insert the words of the Amendment some person might argue that the aggregate in a trade might be published without the written consent of the person making the Returns, because it was not an individual Return.

Amendment proposed to the Bill—

"In page 3, line 23, after the word 'individual' to insert the words 'or collective.'"
—(*Sir E. Carson.*)

Question proposed, "That the word 'individual' stand part of the Bill."

Question proposed, "That those words be there inserted in the Bill."

MR. LLOYD-GEORGE said he was afraid that that would be a rather dangerous Amendment. After all, the object of the Bill was to obtain information, and if no answer was made by any firm which

could be published, the object of the measure would be defeated.

Amendment, by leave, withdrawn.

MR. LLOYD-GEORGE said he moved his next Amendment to meet a request which had been made in Committee upstairs.

Amendment proposed to the Bill—

"In page 3, line 26, to leave out the words 'persons making the Return,' and insert the words 'owner for the time being of the undertaking in relation to which the Return or answer was made or given.'"
—(*Mr. Lloyd-George.*)

Amendment agreed to.

Amendment proposed to the Bill—

"In page 3, lines 35, and 36, to leave out the words 'makes any disclosures,' and insert the word 'Acts.'"
—(*Mr. Lloyd-George.*)

Amendment agreed to.

Amendment proposed to the Bill—

"In page 3, line 36, after the word 'disclosures,' to insert the words 'or use aforesaid.'"
—(*Mr. Carlile.*)

MR. LLOYD-GEORGE said he could not accept this Amendment.

Amendment negatived.

Amendment proposed to the Bill—

"In page 3, line 40, at the end, to insert, (2) 'For the purposes of this Act the expression 'individual Return' shall include any Return or Returns made by any one person, partnership, company, or association of persons and, where any trade or business is carried on by any company in whole or in part by means of any subsidiary company or companies, any aggregate of two or more returns made respectively by such company and subsidiary company or companies. In this section a company shall be deemed to be a subsidiary company when not less than three-fourths of its ordinary share capital is held by another company. (3) When any trade or business is carried on by such a small number of persons or companies that if Returns were published for any particular district, county, or part of the United Kingdom, it would be possible by inspection of such Returns to obtain information as to individual Returns, then no Returns shall be published for any such district, county, or part of the United Kingdom.'"
—(*Mr. Carlile.*)

Question proposed, "That those words be there inserted in the Bill."

MR. LLOYD-GEORGE said he had an Amendment of which he had given notice which would accomplish the same object as that of the hon. Gentleman.

Question put, and negatived.

MR. LLOYD-GEORGE said that the object of the Bill was not to get information in regard to any individual business, but to obtain a national balance sheet. Therefore he moved the Amendment to which he had referred.

Amendment proposed to the Bill—

"In page 3, line 40, at the end, to insert the words, 'Where it is shown to the satisfaction of the Board of Trade any trade or business is carried on by any company in whole or in part by means of any one or more subsidiary companies, any aggregate of two or more Returns relating to the trade or business so carried on shall for the purposes of this Act be treated as an individual Return. A company shall be treated as subsidiary to another company for the purposes of this provision if not less than three-fourths of its ordinary share capital is held by that other company.'"—(*Mr. Lloyd-George.*)

Question, "That those words be there inserted in the Bill," put, and agreed to.

SIR E. CARSON said he understood that in lieu of the words put down by the hon. Member for Thanet, the President of the Board of Trade proposed to move another Amendment.

MR. LLOYD-GEORGE said that that was so. He proposed to move that any one communicating information derived from these census Returns without lawful authority, should be liable to two years imprisonment, or to a fine.

Amendment proposed to the Bill—

"In page 3, line 40, at the end, to insert the words 'if any person having possession of any information which to his knowledge has been disclosed in contravention of the provisions of this section, publishes or communicates to any other person any such information, he shall be guilty of a misdemeanour and shall on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine, or to both imprisonment and a fine.'"—(*Mr. Lloyd-George.*)

Question put, "That those words be there inserted in the Bill."

SIR E. CARSON thought that the House should have full opportunity of considering this Amendment, and the effect of it, and he hoped that the matter would be re-considered before the Report stage.

MR. LLOYD-GEORGE was understood to say that the words would be re-considered before the Report stage.

Question put, and agreed to.

LORD BALCARRES moved in Clause 8 (power of Board of Trade to make rules) to leave out sub-section (b) for the purpose of asking the President of the Board of Trade to make a statement as to the exemption of small businesses. As the clause at present stood anybody who repaired a gas pipe or who did any other trifling work of repair would have to give particulars to the Government. The schedules were all embracing, and the powers of the Board of Trade were very far-reaching indeed. In the United States they expressly stated in their census of production that it was for wholesale businesses and not for retail businesses. In the United States there were, moreover, numerous exemptions which included blacksmiths, wheelwrights, boot and shoemakers, carpenters, and other shops and works. In fact everything which was not of the nature of a retail business was excluded. He hoped the President of the Board of Trade would make a general statement of policy in regard to the exemption of small businesses, as at present the clause was most objectionable in regard to them.

Amendment proposed to the Bill—

"In page 4, line 21, to leave out sub-section (b)."—(*Lord Balcarrès.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

MR. LLOYD-GEORGE was sure the noble Lord moved this proposal with a view, not of pressing it to a division, but merely to obtain an explanation. It was perfectly clear that they must exempt very small traders. To impose this census on them would be very harassing and

expensive, and he did not think the result would be worth anything. He could not say now what were the particular classes which would be exempted. He would rather wait until he had the benefit of the advice of the advisory committees of experts and business men which he hoped to set up to assist the Board of Trade as to the general lines on which they ought to proceed. He hoped he should not be pressed for a declaration of policy at the present moment, because it would be imperfect.

SIR E. CARSON said he did not consider they could expect the right hon. Gentleman to make a general declaration of policy at that time nor did he think anyone could claim that he was not going the right way about this proposal, but he urged the necessity for drawing a wide distinction between the large manufacturers and employers and the small man who was struggling on his own behalf. His experience was that every day they were making it more difficult for the small man to go ahead, and, while this Bill would throw comparatively little trouble and expense upon the big man, there were many men with moderate businesses who could not keep their accounts in such a way as to give the Return asked for without adopting a new system. He hoped the line would be drawn in a very generous way.

LORD BALCARRES asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

Amendments proposed to the Bill—

"In page 4, line 26, at the end, to insert '(d) All rules made in pursuance of this Act shall be laid before Parliament.'"—(*Lord Balcarrès*.)

In page 4, line 28, after the word 'of' to insert the words 'and engaged in.'"—(*Sir Albert Spicer*.)

"In page 5, line 5, after the word 'thereof,' to insert the words 'or to be made acquainted with any information contained in any answer to any question put for the purposes of this Act.'"—(*Mr. Lloyd-George*.)

Amendments agreed to.

LORD BALCARRES (on behalf of Sir Frederick Banbury) moved to leave

out Clause 10 (intervals for making Returns under 1 Edward VII., c. 21, Section 130). The clause repealed Section 190 of the Factory and Workshop Act, 1901, and he objected to a Board of Trade Bill being introduced which had the effect of repealing a Home Office Act. The section in question directed that the Home Office should take from employers Returns about employment not more than once a year, and not less than once in three years, and the Secretary of State determined what those periods should be. It was worse than legislation by reference. The Return of the Secretary of State for the Home Department was much more important than this Return of the Board of Trade. That was a Return which dealt largely with the employment of women and children. If the right hon. Gentleman settled on an Annual Return, well and good, because then the Secretary of State for the Home Department could continue demanding Annual Returns. He did not think the House ought to give to the Board of Trade the power to settle the intervals of this obligation and allow it to vary the obligation which had been so clearly laid down.

*MR. HERBERT SAMUEL (Yorkshire, Cleveland) said the effect of this sub-clause would be precisely what the noble Lord had stated, but the Return now collected by the Home Office was of limited value. The statistics at present collected by the Home Office, showing the age, sex, occupation, and number of persons employed, were of very small value to statisticians and others. The Return embraced something like a quarter of a million of separate factories and workshops and four millions of people, and the compilation and printing of the figures involved a great deal of expense. In the present year the Department had only been able to publish figures relating to 1901. The statistical branch of the Factory Department in the Home Office employed nineteen persons, and notwithstanding this staff and the money spent statistics were published which were too old to be of any use to anybody. It was very desirable to reduce where possible the enormous printing bill paid by the nation, and it had long been desired to make the publication of this Return at longer intervals. It would be absurd for the

Home Office to collect these figures at three year intervals and for the Board of Trade to collect the same figures perhaps at five year intervals. Under this clause the two Departments would collect similar figures and co-operate in the work so as to make the statistics comparable with each other. Each department would try to make the census correspond.

MR. STUART WORTLEY (Sheffield, Hallam) said this clause would enormously alter the obligations resting on the occupiers of factories and workshops. If the change was made it would have the effect of a statutory rule. It was not to be made public in any way, and occupiers of factories and workshops would not know the Return which they would be required to make until some provision was made which would in some way make these directions public to those concerned.

*MR. HERBERT SAMUEL said the forms were always sent out from the Home Office; the initiative did not come from the employer, but from the Home Office.

SIR E. CARSON said his objection was that the hon. Gentleman had taken this opportunity to discredit the value of Returns which had nothing to do with this Bill, and of which it would be impossible to make any use in the Board of Trade census. The whole speech of the hon. Member went to show that these Returns were of no use to anybody, that even he, who was a devotee of statistics, had never had occasion to look at them. He told the House also that these statistics were a most expensive document for the State, and that a staff of nineteen in number was employed to collect them. In fact, the whole trend of the speech of the hon. Member was such as to persuade him that, so far from enacting this law to keep this Return alive, what the hon. Member should have done was to have

Mr. Herbert Samuel.

brought in a short Bill abolishing the Return altogether. Inasmuch as this Bill added to the necessity of collecting other Returns of a similar nature in factories, workshops, and other places of employment, he should have thought it would have been some relief to have got rid of this particular Return. The real objection the noble Lord had in moving this Amendment was that the Bill sought to give power to an official of the Board of Trade to repeal all or any part of an Act of Parliament. They were continually crying out about legislation by reference, but this principle of allowing a man in a public office to do this sort of thing was the most vicious that he had ever heard of.

Amendment, by leave, withdrawn.

Amendment proposed to the Bill—

"In page 5, line 35, after the word 'continues,' to insert the words 'and in respect of false returns and answers the offence shall be deemed to continue until a true return or answer has been made or given.'"—(*Mr. Lloyd-George.*)

Amendment agreed to.

*MR. CARLILE said it did not seem to him to be a proper thing if there was a delay in getting information that the Board of Trade should have the power to go behind the backs of the owners or agents and get the information from the manager. It was because he thought that ought not to be done that he begged to move.

Amendment proposed to the Bill—

"In page 6, line 5, to leave out paragraph (b), and insert—'the owner of every mine or quarry or his agent or manager duly authorised by him in that behalf.'"—(*Mr. Carlile.*)

MR. LLOYD-GEORGE said he did not think the House should accept this Amendment, because he had adopted these words from the Coal Mines Act.

*MR. CARLILE submitted that the Coal Mines Act might be wrong in this. They were bringing this procedure up to date, and he thought his words would be an improvement. The right hon. Gentleman had been so considerate to the Amendments he had moved that he hardly liked to press this, but he thought it was almost essential that some such words should be inserted.

MR. LLOYD-GEORGE said he would consider the point.

Amendment, by leave, withdrawn.

LORD R. CECIL thought it would be unfair to require people like small builders or decorators—people who did a little repairing work or alterations, and who were not occupiers of factories or workshops in the ordinary acceptance of the term—to make this return.

Amendment proposed to the Bill—

“In page 6, line 7, to leave out the words ‘repair or decoration.’”—(*Lord R. Cecil.*)

MR. LLOYD-GEORGE: I accept that.

Amendment agreed to.

MR. STUART WORTLEY moved to omit sub-section (d), in order to give the right hon. Gentleman an opportunity of explaining how he intended to provide in respect of the laying of gas and water pipes.

Amendment proposed to the Bill—

“In page 6, to leave out sub-section (d).”—(*Mr. Stuart Wortley.*)

MR. LLOYD-GEORGE replied that all they wanted was a general result. These matters would have to be considered very carefully, and the point raised by the right hon. Member was one of those which would have to be considered.

MR. J. WARD (Stoke-on-Trent) asked for information with regard to repairs.

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MR. LLOYD-GEORGE: There is an Amendment on that point.

Amendment, by leave, withdrawn.

LORD R. CECIL moved to leave out “or any prescribed works.” The words, he said, were likely to cause discontent and remonstrance when the Bill came to be put in practice. The Government had decided it was necessary to run the risk of this discontent, but he felt that the House should not sanction more than was necessary to carry out the object the Government had in view. If the Government, however, were prepared to say the words were necessary he would not press his Amendment, but if they were not necessary to carry out their object then he hoped they would let the Amendment go through.

Amendment proposed to the Bill—

“In page 6, line 13, to leave out the words, ‘or any other prescribed works.’”—(*Lord R. Cecil.*)

Question proposed, “That the words proposed to be left out stand part of the Bill.”

MR. LLOYD-GEORGE replied that it was necessary to put the words in to cover possible cases which might arise. They were not so wide as they appeared, and it was not intended to cover everything under the sun but only matters of a kindred nature.

LORD R. CECIL said that if the Government considered the words were necessary then he did not wish to press his Amendment.

MR. J. WARD hoped the right hon. Gentleman would not give way. The words were absolutely necessary.

LORD BALCARRES failed to see why the Government required these extending

words. The point was already covered in the lines which stated "any place where steam, water, or natural power is used." The expression "workshops" meant places where "any manual labour was exercised by way of trade, and for the purposes of gain, the making of any article, or any part thereof, the altering, repairing, or finishing of any article." That seemed to him to cover nearly all the industries, and therefore he failed to see the object of the words contained in the Amendment.

Amendment negatived.

MR. LLOYD-GEORGE appealed to the House to allow the Bill to pass Third Reading, in order that the Government might send it up to the Lords in time.

Motion made and Question proposed, "That the Bill be now read the third time."

LORD BALCARRES hoped that the Bill would be reprinted as soon as possible.

MR. CREMER said he did not desire to divide the House upon the matter, but he wished to protest against the Bill. He did not think there were many Members who were particularly desirous that the Bill should pass into law. [Dissent.] Well, at any rate, that was his impression. He was still in the dark as to the practical advantages which would be derived from this Bill passing into law. He did not know it was necessary to put down an Amendment to a sub-section of a schedule to ensure that it would be discussed. What he wanted to say in reference to sub-section (e) was that, in common with many other principles of the Bill, it was absolutely unworkable.

Lord Balcarres.

For instance, there was not a West End shoemaker, he believed, who did not give out his work, and only a small number of tailors had their own workshops. The same thing applied in regard to cabinet-making in the East End of London. With regard to sub-section (c) of the schedule, did the right hon. Gentleman contemplate that if he asked a jobbing builder or decorator to paint his rooms or hang paper on the walls it would have to be returned in the census? The Bill seemed to be essentially of an inquisitorial, objectionable, vexatious, and irritating character. He failed to see that any advantage could be derived from it. It was clear, however, that it would add to the army of officials, and the country was already sufficiently official-ridden. He would content himself with registering his protest against the Bill. He did not think it ought to be passed, and he doubted whether very many Members desired that it should be passed. He knew one large employer of labour who was a Member of the House, but unfortunately absent through illness, who had stated that he would give £1,400 a year rather than this Bill should become law. It would compel employers to engage more clerks and was altogether of a vexatious character. He would oppose the Third Reading, though he did not propose to divide the House.

Question put, and agreed to.

Bill was read the third time, and passed.

Whereupon MR. SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at twenty-one minutes after Seven o'clock till Monday next.

HOUSE OF LORDS.

Monday, 17th December, 1906.

PRIVATE BILL BUSINESS.

Falkirk and District Tramways (Extensions) Order Confirmation Bill. Read 3^a (according to order), and passed.

EDINBURGH SUBURBAN ELECTRIC TRAMWAYS ORDER CONFIRMATION BILL.

Order of the day for the Third Reading read.

LORD HAMILTON OF DALZELL: My Lords, the Lord Chairman, who is interested in this Bill, is unable to be present until later in the evening, and, at his request, I beg leave to have the Bill considered at the close of to-day's business.

LORD BALFOUR OF BURLEIGH: My Lords, I would make an appeal to the noble Lord to postpone the Bill until to-morrow. It only came up to your Lordships' House on Friday, and no opportunity has been given under the Standing Orders to put down Amendments. I would ask the noble Lord, in the circumstances, to postpone the Bill until to-morrow in order to enable us to give notice of Amendments.

THE LORD PRIVY SEAL (The Marquess of RIPON): I think the request of my noble friend, is a reasonable one. The Bill cannot be taken in the absence of the noble Earl the Chairman of Committees, because, of course, his opinion upon the subject would be a very valuable one. If the noble Lord objects to the Bill being taken later to-night my noble friend in charge of it will be willing to put it off till to-morrow.

Third Reading put off till tomorrow.

PETITIONS.

EDUCATION (ENGLAND AND WALES) BILL.

Petition against; of inhabitants of parish of Hampstead; read, and ordered to lie on the Table.

VOL. CLXVII. [FOURTH SERIES.]

RETURNS, REPORTS, ETC.

TRADE.

Annual Statement of the Trade of United Kingdom with Foreign Countries and British Possessions, 1905. Supplement to Volumes I and II Abstract and detailed tables showing countries of consignment of imports and countries of ultimate destination of exports, with a prefatory memorandum.

BIRTHS, MARRIAGES, AND DEATHS.

Sixty-eighth Annual Report of the Registrar-General of Births, Marriages, and Deaths in England and Wales (1905).

"OPTIONS" AND "FUTURES" IN FOOD-STUFFS (LEGISLATION).

Reports from the Canadian Government and His Majesty's representatives abroad on legislative measures respecting gambling in "option" and "future" contracts as regards food-stuffs (in continuation of [Cd. 1756.] of 1904).

SMALL HOLDINGS.

Report of the Departmental Committee appointed by the Board of Agriculture and Fisheries to inquire into and report upon the subject of small holdings in Great Britain, with minutes appointing the Committee; Minutes of evidence, with appendices and index.

AGRICULTURAL STATISTICS, 1906.

Vol. XLI, Part I. Average and live stock returns of Great Britain, with summaries for the United Kingdom.

Presented (by Command), and ordered to lie on the Table.

LEEWARD ISLANDS.

Additional regulation relative to the uniform worn by prison officers; laid before the House (pursuant to Act), and ordered to lie on the Table.

HOUSE OF LORDS OFFICES.

Fourth Report from the Select Committee made, to be printed, and to be considered to-morrow. (No. 249.)

EDUCATION (ENGLAND AND WALES)
BILL.

Order of the day for the consideration of the Commons' reason for disagreeing with the Lords' Amendments read.

Moved, "That the Commons' reason for disagreeing with the Lords' Amendments be now considered."—(*The Earl of Crewe.*)

*THE MARQUESS OF LANSDOWNE: My Lords, before your Lordships proceeded to consider the Motion which has just been made I think it may be desirable that I should offer a few observations in regard to the peculiar position in which we find ourselves in consequence of the message which is on the Table. That message is of an entirely unprecedented character. I doubt whether the most diligent search of our Parliamentary records would reveal the existence of any communication made by one House of Parliament to the other bearing the slightest resemblance to this most momentous and extraordinary communication.

My Lords, we can scarcely weigh the full significance of that message without recurring to the circumstances in which the Education Bill passed through this House and went to the other House of Parliament. I have had a somewhat lengthened experience of the House of Lords, and I can remember no measure which has attracted so much close and earnest attention as this measure has attracted. I never remember so large an attendance of your Lordships. The discussion was the more remarkable on account of the number of Members of this House who took part in it, and who took part in it, having a right to express their opinion, I might almost say, as experts with regard to the questions of local administration and of education.

The discussion, which lasted, I think, sixteen nights in Committee, besides two nights on Report, was certainly not one of the tone of which anyone could possibly complain. It was thoroughgoing and in all respects temperate and reasonable. No one can say that this House arrived with headlong haste at its decision upon the measure. Your Lordships will remember that, in more than one

case, Amendments which met with a very large amount of support from various parts of the House and from this Bench were not pressed to a division because we had reason to suppose that they went somewhat beyond what the more moderate body of opinion of your Lordships would have been disposed to approve. Again, on the Report stage at least two Amendments of first-rate importance were removed from the Bill because your Lordships desired that our Amendments should not be pushed too far. All the Amendments that were in the Bill when it left this House were discussed deliberately and at full length, and in a manner which I venture to think was in marked contrast to the discussion elsewhere, where strong measures were taken to limit and curtail the progress of discussion.

Well, my Lords, our Amendments went to the House of Commons, and how were they received? We receive in return for them the message of half-a-dozen lines which lies upon the Table. I hope I do not do an injustice to those who framed it when I say that to the ordinary reader it appears to be curt in its language and almost contemptuous in its tone. That message is all that we have before us. Now what can we extract from it? We are told that our Amendments taken as a whole are inconsistent with the character and destructive of the principle of the Bill. We are not told the points on which these Amendments are opposed to the principle of the Bill. No guidance is given to us in ascertaining where it is that we have traversed the limits within which His Majesty's Ministers desired to confine our suggestions. We certainly shall not be told that the Amendments inserted by the noble Earl opposite were inconsistent with the principle of the Bill, and yet I am assured by someone who has taken the pains to measure the total volume of the Amendments put in by this House that out of about 100 Amendments fifty-two were inserted by noble Lords opposite and only forty-eight on this side of the House. I presume we may claim for the fifty-two Amendments inserted by noble Lords opposite that they were of that character which has been described as "good as gold," and that we are not likely to hear

any proposal to remove those from the Bill.

When noble Lords opposite speak to us about the principle of the Bill they generally give us to understand that the main principle of the Bill is that we should uphold public control over public elementary schools. We have heard lately that our local education authorities have become infected by a lofty ambition, and that it is their great desire to be masters in their own house. Now, I ask your Lordships where are the points at which we have really denied to these local authorities the right of acting as masters in their own house. So far as secular instruction is concerned that mastery remains complete in spite of your Lordships' Amendments. The squire and the parson have been dethroned, and on the day on which this Bill becomes law, so far as secular instruction is concerned, every voluntary school will be unreservedly under the control of the local authorities. So far as religious instruction is concerned, we have claimed and we continue to claim, that the control of the local authorities shall be tempered by some regard to the wishes of the parents; and we have further contended that, so far as it is possible without detriment to the efficiency of the schools, there should be an attempt to safeguard the rights of minorities. Both those principles were already admitted to some extent in the Bill of His Majesty's Government, and if we have gone further than they have, we are, at any rate, surely not open to the complaint that in that respect we have departed from the principle of the Bill.

It is remarkable that within the last few days we have been told that the most conspicuous invasion of public control is to be found in the Amendment which your Lordships inserted in the first clause. We have been told that the effect of that Amendment is to open all the council schools of the country to facilities. My Lords, there never was a more extraordinary misconception. The Amendment, far from having that effect, merely stipulates that in every one of these schools the school hours shall be so arranged that religious instruction should not at the very outset be excluded by want of time. That is all. There is no

attempt to introduce facilities, no denial of popular control.

May I be allowed to remark that this confidence which His Majesty's Ministers place so implicitly in the local education authorities seems to be exercised by them in a somewhat fitful and intermittent manner? They attach the greatest importance to it, but only, if I may say so, when it suits their book. When it suits our book the tale is quite different. Let me mention two instances. My noble friend behind me has been taken to task for the Amendment which he inserted in the third clause; but, after all, what that Amendment does is merely to give the local authority a dispensing power which the local authority can exercise or not as it pleases. That is the intention of the Amendment; if it can be better carried out in different language we are quite ready to consider any proposals that may be made to us. Again there is an Amendment, which I had the honour of recommending to the House, and which has been made the subject of similar criticism. When we came to consider the Bill on Report we found it was so drafted that the absence of alternative accommodation for half a dozen children, or even for one child, was sufficient to prevent extended facilities being granted to a school in all other respects qualified to obtain such facilities. What did we do? We merely proposed that the local authority should be given a dispensing power which would enable them in certain special cases to relax the hard conditions which the clause as it stood imposed upon them. I mention that because I wish to show that in both those cases the basis on which we were proceeding was a desire to make the local authority master in its own house.

What are the reasons for which we are given to understand, not in this message but in the statements that have been made outside the House, that it was necessary to reject the Lords' Amendments *in globo*? I have considered with all the attention that I could give them the reasons which have been suggested. I am bound to say that they seem to me to be obstacles of a kind which seem insurmountable only to those who have no great desire to surmount

them. We have heard it said that if the Lords' Amendments had been discussed *seriatim* something like eighty questions would have had to be separately disposed of. I noticed that a few hours later the eighty questions fell to forty, which I think shows that the quotation was a somewhat vague one. But, my Lords, I think the best answer to the statement that it was physically impossible to deal with our Amendments elsewhere is to be found in the fact which is a matter of common knowledge, that on Thursday last week an arrangement had been come to by the gentlemen who manage the business of the House for both sides and I presume may be considered experts upon the subject of the disposal of Parliamentary time, under which it had actually been decided that our Amendments should be taken *seriatim* and that four days should be set apart for the purpose. We can only conjecture as to the reasons which led to the abandonment of that plan. What actually happened was that a debate took place, in the course of which various vague hints and various somewhat indefinite hopes were held out to us that some of our most material Amendments might yet find favour with His Majesty's Government. As to that I feel that we are confronted with a very serious dilemma. If it be indeed true that the concessions which His Majesty's Ministers have in their minds are material concessions, then I ask what becomes of the charge that the whole of the Lords' Amendments are subversive of the principle of the Bill, and what again becomes of another statement which was made by a colleague of the noble Earl opposite, that if our Amendments had been discussed *seriatim* in the House of Commons, the result would have been exactly the same, because they were all inadmissible? Then to turn to the other horn of the dilemma. If the concessions are to be only trivial concessions, how can noble Lords opposite expect to find us ready to come to terms with them upon the basis of such concessions?

Well, my Lords, how are we to deal with this extraordinary and unprecedented message? The noble Earl opposite the other day at the close of an interesting

speech on this subject counselled us to exercise forbearance in dealing with these questions. The treatment of our Amendments in the House of Commons is not a very striking example of forbearance. I suppose we may say that even in this House there is a certain amount of human feeling, and I wonder what the noble Earl and his friends think that any body of Englishmen would say if they were treated in the manner in which we have been treated by His Majesty's Ministers. Does he know of any body of his fellow-countrymen who would take such treatment as that, to use a familiar expression, "lying down"? I doubt it extremely.

Now, I beg to be allowed to point out that this is not a question of good manners as between the two Houses or of the dignity or *amour propre* of your Lordships, either individually or collectively. The constitutional question which arises is a far more serious one than that. It is not too much to say that it involves the future usefulness of this House as part of the constitutional machinery of this kingdom. Your Lordships know, if I may say a word as to myself, that I am not inclined to take a pedantic view of these questions. The advice I ventured to give the House not many days ago as to the manner in which it should deal with the Trade Disputes Bill ought, I think, to prove that I am not one of those who are unable to see both sides of a question of this sort. But I ask your Lordships to consider with what feelings we can look forward to the future of the House of Lords if such treatment as this is to be entirely condoned by your Lordships. Is it not certain that if it be so condoned these tactics will be repeated as time goes on? Is it not certain that when the Government of the day finds that it has an inconvenient question to deal with in the other House, when it is called upon, perhaps, to recommend to supporters who are not entirely unanimous, proposals of a somewhat intricate and embarrassing character, resort will again be had to this simple expedient of ruling out the proposals of this House *en bloc* and sending them back as these proposals have been sent back to us with a brief intimation that they cannot be entertained?

The Marquess of Lansdowne.

It has been said, and I have no doubt that my noble friend will say it again to-night, that there was no intention of showing disrespect to this House. I am quite sure that the noble Earl opposite would not willingly lend himself to any course which would denote disrespect to this House; but I say that it requires an extraordinary amount of self-deception to imagine that such a course as that which has been adopted can be adopted without the appearance of grave disrespect to this House. The ability and tactfulness with which the noble Earl opposite has piloted this Bill through your Lordships' House mark him as one who in years to come cannot fail to take a most distinguished part in our councils; and I do venture to appeal to him to see to it that something is done to mitigate, at all events, the effect of the course which has been adopted by the House of Commons in regard to this Bill.

We have, then, to ask ourselves what is the proper manner for this House to deal with the message from the Commons. In ordinary circumstances one answer and one answer only could be returned to that message, and that would be an announcement that your Lordships intended to insist upon your Amendments and require their retention in the Bill; I cannot conceal from myself that it may be necessary for us eventually to return that answer. But I humbly suggest to your Lordships that that answer should not be sent until it becomes clear that no other answer is possible. Among those who sit behind me are some who would, I dare say, not be very sorry if this Bill were to disappear and, so far as this session is concerned, to be heard of no more. I am afraid I do not entirely agree with those who cheered that statement. "I am one of those who would give a great deal to see a truce to, if not a termination of, the bitter and regrettable struggle which has so long been going on in this country around this question. It is bad for education, it is bad for religion, and it is bad in its effect upon public life in this country.

It is, of course, also true that the judgment arrived at within the last few days by this House sitting judicially adds to the reasons why we should desire

a termination of this controversy. Therefore, if any means can be found, not of extricating this House from the difficulty in which it is placed, but of extricating His Majesty's Government from the situation in which they find themselves, I would say let us respectfully examine any proposals to that effect. I do not intend to suggest for a moment that the colleagues of the noble Earl should appear at the bar of this House in white sheets in order to profess penitence for what they have done; but I do ask that His Majesty's Government should not only tell us here in this House, that they do not desire to treat us with disrespect, but to make good their words and to tell us, in language plainer than any hitherto used, what are the proposals which they make to us with the object of saving this Bill.

The next move lies with them. I hope that will be understood. But let me add this observation that to my mind it would be idle to attempt to find such an exit from the *impasse* unless His Majesty's Ministers are prepared to offer us not one or two trivial sops, not one or two concessions on small points, but concessions which will effectually recognise the most material of the objects for which we have contended throughout these debates. If they will do this, if they will make us proposals of that kind, I for one should rejoice if it were found possible, on the basis of such proposals, either in this House or by private discussion outside this House, to arrive at a solution which might be acceptable to both sides. Those are the feelings I venture to entertain; and I do not think I can do better in order to focus the observations I have made than to embody them in a Motion which I will now lay before the House, and which I presume might be taken as an Amendment to the Motion which the noble Earl has made. I propose that your Lordships should agree to a Resolution running as follows—

"That this House, first, records its protest against the innovation in constitutional procedure by which the Commons have rejected the whole of the Lords' Amendments to the Education Bill including those proposed by His Majesty's Ministers, without assigning in any case specific reasons for the rejection of those Amendments; and, secondly, that this House adjourns the consideration of the Commons'

Amendments to the Lords' Amendments in order to afford His Majesty's Government an opportunity of making a definite statement in this House as to the course which His Majesty's Government are prepared to recommend to the House of Commons in regard to each material Amendment in the Bill."

Your Lordships will observe that that Resolution contains two separate limbs. In the first place, your Lordships are invited to record on the journals of this House your protest against the manner in which you have been treated. We propose, in the second place, that the further consideration of the message be adjourned until the noble Earl opposite has had an opportunity of laying before us in full detail the proposals which he desires to offer. I can only express my sincere hope that the noble Earl will think fit to avail himself of the opportunity we place within his reach, if not at once, perhaps after fuller consideration. We have no desire to press him unduly or to add to his difficulties. On the contrary, we look to him to co-operate with us to the best of his ability in bringing about a satisfactory solution of a situation which must be full of difficulty for himself, and which is regarded with the greatest concern by noble Lords who sit near me. My Lords, I beg to move.

Amendment moved —

"To leave out all the words after 'That' for the purpose of inserting the following Resolution, viz.—('this House (1) records its protest against the innovation in constitutional procedure by which the Commons have rejected the whole of the Lords' Amendments to the Education Bill, including those proposed by His Majesty's Ministers, without assigning, in any case, specific reasons for the rejection of those Amendments; and (2) adjourns the consideration of the Commons message in order to afford His Majesty's Government an opportunity of making a definite statement to the House as to the course which His Majesty's Government are prepared to recommend to the House of Commons with regard to each material Amendment to the Bill.')

—(*The Marquess of Lansdowne.*)

*THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): My Lords, I can assure your Lordships that I rise to address the House on this occasion with a feeling of most unusual responsibility, and it is by no means

The Marquess of Lansdowne.

diminished by the appeal which the noble Marquess opposite made to myself personally, couched, as is usual with him, in such kindly terms towards myself. Now, my Lords, two distinct questions arise out of the original Motion and out of the Motion and speech of the noble Marquess. There is in the first place the question of the Bill, of its Amendments, and possible modifications of those Amendments. In the second place, there is the constitutional question arising between the two Houses out of the manner in which your Lordships' Amendments have been received in another place. Let me deal first with the constitutional question.

The noble Marquess has dealt with this constitutional issue in a speech which was on the whole marked by moderation of tone, although he made a more free use of adjectives and adverbs than is customary with him; so it becomes my duty to represent to the House circumstances which may possibly induce some of your Lordships to modify the conclusions at which the noble Marquess arrived. In the first place let me point out that this constitutional grievance is not all on one side. I think it is true to say that each House considers that it has been somewhat cavalierly treated by the other in this matter of the Education Bill. I will endeavour to show why in my opinion it is that the House of Commons thinks so, no less than your Lordships do. In doing this it is necessary to refer to the general position which now obtains between the two Houses—the general state of affairs with regard to the rejection or modification by your Lordships of Bills upon which the House of Commons has expressed a definite opinion.

The aspect of this question has somewhat changed of late years, and this fact is due in a large measure to the change both in the views and in the practice of the Conservative Party which holds sway over your Lordships' House. The old Tory Party professed to be the guardians of the ancient institutions of the country, and, in the main, I think, carried out its *raison d'être* by safeguarding them. It was also distinguished by a warm

interest in the humane or benevolent side of social reform. When the Tory Party first existed, the House of Lords acted as a check upon the only people—the Radicals of the day—who proposed novel schemes of legislation, and in so doing it undoubtedly caused from time to time considerable annoyance to those who wanted to go fast; but the position was in the main accepted.

Now an entirely different state of things obtains. Conservative or Unionist Governments make themselves responsible for schemes of legislation as large and as drastic as those which any Liberal Government ever proposed; and I cannot give a better instance of that fact than the last education measure, the Education Act of 1902. It was, if there ever was one, a Radical measure in its strictest sense—it effected a root and branch change in our system of national education. Whether that measure was demanded by the country will never be known; but your Lordships never asked the question whether it was so demanded or not. It passed through this House with very little amendment, and such amendment as there was was in the direction of further enforcing the views of the Party majority of that time. If there was to be a real reciprocity in this matter, that Bill of 1902 ought to have passed through the ordeal of a second Chamber containing a working Liberal majority of at least 150—such as that which your Lordships are able to bring to bear on the consideration of this Bill.

People tolerably patient under coercion will rebel against unfairness; and it is this absolutely one-sided element, the essential unfairness of the state of things which I have described, which explains to a very great extent the impatience which is felt over the dealing by your Lordships with such a measure as this Education Bill which we have now once more before us. The contrast between 1902 and 1906 is almost dramatic, and it is by no means only frenzied partisans who take this view of the matter. I can call to witness the noble Lord opposite, Lord Newton, whose speeches always introduce so much ozone into the sometimes rather stagnant atmosphere of our debates. Lord Newton, in an article in the *National Review* for this month, says that your

Lordships' House would stand in a stronger position in this matter if you had ever amended one Conservative measure. I really believe that there are many of your Lordships who do not keep closely in touch with another place, and who do not realise the extreme soreness created in the minds even of moderate men by the very drastic treatment which this Education Bill has received.

I am not going to repeat what I said on the occasion of the Third Reading of the Bill with regard to the nature of the changes which your Lordships have made or how far, in the judgment of those who sit on this side of the House, they entirely altered its character; but I confess I felt when the Bill was passing through this House that your Lordships seemed altogether to ignore the fact that the Bill had passed through another place with quite exceptional majorities. For all the consideration that the Bill received here, though I personally received so much, it might have been a measure originated by some private Peer to whom the subject was of personal interest. I must remind your Lordships that you can hardly mention a measure of the first class that has reached you backed by so tremendous a majority. The Irish Church Bill of 1869 offers a close parallel to this Bill in one respect, in that it was the primary measure brought in by a Government just returned by a great majority in the country. In 1869 the Irish Church Bill reached this House after a Third Reading majority of 133. By 1872 the majority of the Government, as happens to all Governments, had begun considerably to diminish. The Ballot Bill reached your Lordships by a majority of fifty-eight only; and yet both those measures were accepted in this substantial form by your Lordships' House. Now this Education Bill came before you with a majority of 192 on Third Reading, and in spite of that fact it has been altered in a great many most material respects.

I pass to the treatment which your Lordships' Amendments have received in the House of Commons. I can only assure the noble Marquess and the House, on behalf of His Majesty's Government—and not only on behalf of those Members of it who sit in this House, but also of

those in the other House—that we had not the slightest intention of inflicting any slight upon this House or of derogating from the proper claims of the House of Lords. Before it is assumed that any slight was intended or committed it rests upon noble Lords to show that there was really some other less abrupt course which could have been taken consistently with carrying out this task as a matter of business, and with keeping the Bill alive as we desired to do. When the noble Marquess says that these are tactics of which he fears a repetition, I can only assure him that there was no question of tactics in the matter. We simply took the course which we thought most reasonable in the circumstances.

Now, my Lords, what courses were open to His Majesty's Government in another place? So far as I am able to judge from the precedents, it is clear that, considering the character and extent of the changes made in the Bill and the time of the year at which we have arrived all precedents would have made us immediately reject your Lordships' Amendment by moving that they be considered this day three or six months. When the Bribery at Elections Bill of 1834 was very materially altered by this House, and when it went back to the other House, Lord John Russell moved that the Lords' Amendments should be taken into consideration. But a private Member rose and suggested that, considering it was near the close of the session, and the sweeping character of the Amendments, they be considered that time three months, and that was accordingly done without further discussion. That was a course which we desired to avoid, because we wished to keep the Bill alive.

Then there was the alternative of considering your Lordships' Amendments *seriatim*. It was understood that only four Parliamentary days could be set aside for that purpose; and it is perfectly true that at one time we were disposed to consider that that course might be taken. But the more we reflected on the matter, the more we became sure that it was impossible to arrive at a real discussion of those Amendments to get at the real heart of the matter and find what were the

vital points in that time. It would simply have meant, under the most rigid guillotine that could have been devised to deal with this enormous number of Amendments in this brief period, that there would have been a great deal of talk at large on special points which might have commended themselves to this or that shade of opinion, for in the other House as here there is a great diversity of opinion on this subject. We did not believe that it would have been possible within the time to arrive at a really valuable discussion of the vital points of the Bill. Your Lordships will understand that I speak without a tinge of disrespect for your Lordships' House, and that I am only desirous to justify the course taken by His Majesty's Government, when I say that the real reason was that the Bill, as your Lordships returned it, was not a systematic measure. It was amended on no distinct principle. It is perfectly true that the tone of the discussion in this House was everything that could be desired. But the measure was not returned in a sufficiently coherent form to make it possible for the Amendments at that stage to be taken singly.

The noble Marquess declared that it had been asserted that the whole of the Lords' Amendments were subversive of the principles of the Bill. I do not recognise those words; but to say that the Amendments as a whole were subversive of the principles of the Bill—that is an admirable and accurate description of them. I confess that on this side of the House we did hope that your Lordships would have been prepared, when the Bill came here, with some definite scheme of Amendments. We hoped so all the more because the Bill did not come hurriedly up to this House, but the whole of the autumn recess was at the disposal of noble Lords for considering how they would like to amend the Bill. But as a matter of fact, when we came to the Committee stage—and I defy contradiction—Amendments were inserted singly, without much reference to what had gone before or to what was coming afterwards, and without any attempt to form a really coherent scheme.

I remember that the most rev. Primate—whom we are all glad to see back again

—and Lord St. Aldwyn said that it was necessary to do this, because it was impossible otherwise not to run the risk of leaving out something which might ultimately be wanted to form part of a compromise Bill. On 10th December Mr. Balfour spoke of the right of every parent to decide what religion he would like to be given to his children, and he said—

“That is the basis on which the House of Lords has worked, as far as I can see, in all the modifications which they have introduced into this Bill.”

It is very natural that Mr. Balfour, who has many other duties, should not have followed entirely the course of discussion in your Lordships' House. But as a matter of fact the contrary is really the case. It is by no means the case that a very considerable part of the Amendments carried were moved, supported, or argued on the ground of the parents' wishes. Many of them were supported on various grounds, and on mixed grounds, but I think your Lordships must remember that a great many of them were advocated, not on the ground that they carried out the wishes of the parents—that is to say, of those who now send their children to school—but they were advocated on the ground of the amount of money that had been spent by pious people in the past in building denominational schools. Those are two entirely separate lines of argument, and you cannot combine them in a single Bill.

What I call the parents' side, advocated by Lord Balfour of Burleigh in his Motion for general facilities, which carries out the idea of parents' rights to the fullest extent, was not accepted as an Amendment by your Lordships. It was only in the very last stage of the Bill that an Amendment intended to some extent to carry out that principle was inserted on the Motion of Lord Salisbury. But you cannot combine the question of the rights of parents with the question of the historical claims of denominational schools. In other words, if you have all round facilities you cannot have Clause 4, and, very largely because your Lordships' Amendments were bandied about from the one principle to the other without any real care to get them on a defined line in one or the other direction, I think the House of

Commons found it difficult to deal with your Lordships' Amendments *seriatim*.

The fact is, that the House of Commons did not know what the real mind of your Lordships was in making these Amendments. I will go a great deal further than that. I will say that I myself have not the faintest idea what is the real mind of your Lordships in this matter. I have studied your Amendments as much as most people in or out of the House, but when I am asked to say what is the total sum of your Lordships' opinion—that is to say, what is the scheme which the whole House would send down as the proper way to amend this Bill—I confess that I am entirely at a loss; and if I, who had the honour of watching your Lordships amending the Bill all these days, am still, as I can most truthfully say, in doubt, I am not surprised that my friends in the House of Commons, who had not that advantage, should have been in a greater difficulty than I am.

The conclusion I believe to which the House of Commons came is that it is absolutely necessary, before any conclusion can be reached in a matter of this kind, that the issue should be narrowed, and the only people who can narrow the issue, as it appears to them, are your Lordships. That is the reason why the Bill was returned as a whole to your Lordships. It was the mainspring of the Government's desire all through to pass the Bill in a reasonable form, and I think surely it is clear that the object of the House of Commons was not to inflict an insult but to effect a rearrangement from the very fact which the noble Marquess brought out on the word of some laborious person, namely, that my own Amendments, returned, with just the same want of ceremony, if want of ceremony there is, formed rather more than 50 per cent. of the total Amendments to the Bill.

As regards the form of the message, I can only say that if this House think that the message was too curt in form, the Government most sincerely regret it. There have been very long messages sent from one House to the other in the past; none, I think, of very recent years; they all date from a more ceremonious, and also, I think, a more long-winded age

than the present. The noble Marquess said that there was no precedent for so short a message. I think he will find if he looks to 1878, when a Conservative Government was in power, that the House of Commons insisted on its disagreement with the Amendments of noble Lords on the Poor Law (Amendment) Act of that year without giving any reason whatever. Our message may be curt and incomplete, but still that precedent does exist for a Bill being returned to the House without any reason at all being given.

I have no hesitation in saying, and in saying quite seriously, that if His Majesty's Government had supposed that it was due to this House to return a more elaborate and formal message they would have certainly done so. Whatever may be said of his Majesty's Ministers in another place, it cannot be denied that many of them possess a natural and highly-cultivated literary sense; and no doubt they would have been proud to devote some of their literary skill to the composing of a message couched in terms more satisfactory to your Lordships than the present one. We are anxious seriously to maintain the traditions of courtesy which we all agree ought to govern all transactions between the one House and the other. The Bill has thus been returned, not in a spirit of insult, but simply because it was thought more fitting to remit it in this way than to reject it; and we did so confident in the belief that the majority in both Houses desire to see this Bill passed. I am well aware that there are some in this House who do not even wish to see it pass in the form in which it went back to the other House, like those who followed the noble Duke opposite into the lobby on the Third Reading. I am also well aware that at the other end of the scale, among some valued supporters of ours, there are people who think that the Bill as it came up to your Lordships went too far in the direction of encouraging denominational schools. But I do believe that this House and the other House as a whole would echo the desire of the noble Marquess that if, without compromising our principles, it is possible to arrive at an arrangement, such an arrangement we ought to arrive at.

The Earl of Crewe.

The noble Marquess has moved an Amendment to the Motion on the Paper. Its terms are new to us on this side of the House, and consequently I have a certain amount of difficulty in knowing what course would be most likely to meet the views of the majority of your Lordships. I gather that the noble Marquess is rather disposed to think it might be desirable to adjourn the debate with a view to enabling us to tell the House rather more than what my right hon. friend was able to tell the House of Commons with regard to the character of the Amendments which we might possibly be able to accept. In this matter I am very much in the hands of the House, but I do not know whether an adjournment would enable me to state any more than I may be able to state to the House at this moment. Consequently, in these circumstances, though I think it is exceedingly possible that it might be advisable that your Lordships should agree to adjourn before proceeding to the actual consideration of the Amendments, I propose to say a few words on the subject of the Amendments themselves.

I have said that it is absolutely necessary to narrow the issue before we could arrive at any kind of conclusion, and the question is—"Can we take this matter in hand and reduce our points of difference to the smallest possible number?" Now, I think it should be made clear at once that we are not prepared to sacrifice the main principles of the Bill or in any way to alter its framework. It is also to be made clear that in anything I have to say it is surely obvious that I cannot pledge the majority of the House of Commons to take the same view of a particular matter which the Government do. All I can do is to state certain modifications dealing with the more important points of the Bill which, in the view of His Majesty's Government, might be agreed upon in existing circumstances in consideration of the Bill's passing, and which, accordingly, we should be prepared to recommend in consideration of the passing of the Bill.

We have been subjected, and our Bill has been subjected, to a great deal of criticism, but there is one class of criticism which I confess I myself have always

carefully regarded and have always endeavoured to treat with respect. It is the criticism which does not seek to alter the actual structure of the Bill, but which seeks to show that in some respects the facilities which we have proposed to offer in the Bill cannot be taken full advantage of by those for whom they are intended, owing to the existence of other restrictive provisions in the measure. If noble Lords opposite are able to make out a fair case, either that our extreme anxiety to preserve the consciences of the children, or our anxiety to maintain the independence of the teacher, or our wish to safeguard the liberty of the local education authority, has made us in some respects too strict, I can assure noble Lords that we are not too proud to reconsider these points. But in doing so I once more safeguard myself from it being supposed that in any case we can agree to any modification which really affects the principle of the Bill.

I deal first with the facilities under Clause 3. Those facilities in ordinary circumstances in schools of moderate size we think could quite well be given by an outside teacher, in many cases by the clergyman. We have all through felt bound to impress upon your Lordships that if the school teacher in a small country school was empowered to give this Clause 3 teaching, a great many people would say, and say with justice, that the school was so maintaining its denominational character that the transfer was not worth making at all, and the result would be that in those rural districts a number of children would receive Catechism teaching contrary to the desire of their parents. But we do admit that that argument does not apply in all cases.

There are, no doubt, a considerable number of large schools, especially urban schools, where it would undoubtedly be exceedingly difficult for the Church of England, or any other religious body, to find volunteers who would be prepared to give the special denominational teaching. We desire not to mix up the head teacher in this matter. We think that the head teacher in the schools, now that these schools become in the main undenominational schools, should be a neutral person, but we do think that

it would be possible for assistant teachers, of their own accord and by agreement with the local authority, to give this teaching in other than single schools in rural parishes. If it could be shown—and upon that I am not certain, because it would demand the close investigation of figures—that, outside that limitation, there are a considerable number of really large schools at which it would be difficult to have volunteers to give this teaching, it might be possible to extend this privilege to schools outside such areas of really large size.

There is one other point which markedly affects the schools under Clause 3. It is raised by the new clause inserted at the instance of the Duke of Devonshire. The noble Duke proposed that the taking over of all schools should be subject to an appeal to the Commission, who, if I remember aright, were to be the absolute arbiters in the matter, and were to proceed on common-sense lines as to whether a particular school ought or ought not to be taken over. We have felt compelled to draw a distinction between Clause 3 and Clause 4 schools in the matter of redundancy. We have always agreed that where it was a case of Clause 4 redundancy should not be taken into consideration. There might be many cases where schools which could be shown to be redundant ought to come under Clause 4. But in the case of Clause 3 schools we have taken a somewhat different line. At the same time, without admitting that there ought to be a general obligation to take over redundant schools I think it is quite possible that a half-way house might be reached in this matter. And if the noble Duke would agree, I should be entirely prepared, supposing your Lordships proposed to adjourn the debate, to consult and consider with him as to how that half-way house should be reached. I by no means despair of our arriving at a conclusion which would at any rate go a considerable way to satisfy the desires of the noble Duke and, I think, of the House as a whole, in this matter of not allowing a capricious refusal of schools by the local authority.

I pass to Clause 4, on which I think my noble friend in another place was more explicit than on the matter to

which I have just been alluding. We certainly should not be prepared to agree to the Amendment of Lord Lansdowne. We are not prepared to admit single schools in rural areas to the provisions and privileges of Clause 4. We pointed out at the time that whatever the noble Marquess's Amendment might be designed to effect, its actual effect was that in many circumstances village schools in single school parishes might become Clause 4 schools. To that we could not agree, but short of that we should not be found rigid on the question of area. And we should also be prepared at any rate to meet the noble Marquess as far as we could by an Amendment to make it clear that a very small number of children should not be able to prevent in any case those schools from obtaining the privileges of Clause 4.

As to the numerical point—that of four-fifths or three-fourths, or two-thirds—we should be compelled to adhere to the principle that the proportion, whatever it is, must be the proportion of all the parents and not of those who vote. That we are obliged to do, because the contrary traverses what we think is one of the main principles of the Bill—namely, that these schools must be regarded as exceptional; and it is only by actual proof that there is a substantial majority that their claim can be shown. But we do admit that adherence to this principle undoubtedly makes it more difficult for the schools to receive those privileges, and we think that fact ought to be taken into account in estimating the number. Consequently we should certainly be prepared to accept, at any rate, a considerably lower number than our original proposal of four-fifths.

Then we should agree to insist on the Amendment, of which I think I expressed general approval when it was moved by Lord Clifford, giving a prior right of entry to children of a particular denomination; and, although this is a matter which I know has caused heart-burning in influential quarters which we respect, we should, I think, be prepared to recommend that a parents' committee should have a definite consultative voice in the appointment of the teacher. That is as far as we can go, and I think noble Lords opposite will recognise that to attempt to

give anything like a veto in these circumstances would be too much to expect of us; because, of course, it would be a direct and very large infraction of our principle of no tests for teachers. We should also be prepared to recommend to the House that, where a new Clause 4 school is desired, there should be a right of appeal which was not stated in the original Bill. These are the principal points on which I have been trying, I hope with sufficient definiteness, to enlighten the House on the clauses about which the religious controversy has arisen.

These concessions are—as I think your Lordships will agree when you have time to consider them—of a very substantial character indeed; and I must repeat that they must only be taken as forming part, so to speak, of an agreed Bill, and that, taken alone, we certainly should not be prepared of our own volition to include them in the measure. Many of those who support us will think that these concessions go much too far. I desire to show how anxious we are to arrive at a compromise on this matter, and I hope that noble Lords opposite will also be prepared in a substantial degree to sink their own personal preferences and predilections, and see whether we cannot arrive on these lines at, I hope, speaking at any rate in a political sense, some final settlement of this question. If by adjourning your Lordships desire some time to consider the matter, it would seem a most reasonable demand. There is no need for me to reiterate the extreme inconvenience and, to some extent, the real national danger which would follow from the loss of the Bill.

As regards our attitude towards the House, I can only say that, so far as I am concerned, all my political recollections are connected with this House. I never sat in the other House. I was a candidate, but I succeeded just before the general election in 1885. Consequently all my political past, such as it is, is bound up with your Lordships' House. During all the years I have been in the House, I have sat under five different Liberal leaders, and they have all, from Lord Granville down to my noble friend behind me, given the most ungrudging service

to the House of Lords, and I think it may be said of all of them that they have shown themselves just as careful and sensitive of the real dignity of the House as noble Lords who sit on the Benches opposite. I repeat that I am very anxious that this Bill should not be lost in a fog of misunderstanding, or be impaled on a point of punctilio. At any rate, let us consider the whole question on its merits. I believe that if we do give cool consideration now to the whole matter in the light of what I have been able to tell your Lordships, it is by no means impossible that we may be able to arrive at some successful conclusion without any real sacrifice of principle on either side.

THE LORD PRIVY SEAL (The Marquess of Ripon): My Lords, as no noble Lord has risen for some moments to continue the debate, I beg to move, in accordance with the suggestion of the noble Marquess opposite, that the debate be now adjourned; but if that is not agreeable to noble Lords opposite I will, of course, withdraw the Motion.

***THE MARQUESS OF LANSDOWNE:** I understand the noble Marquess to move the adjournment of the debate.

THE MARQUESS OF RIPON: Yes, until to-morrow.

Moved, "That the debate be now adjourned until to-morrow."—(*The Marquess of Ripon.*)

LORD STANMORE: Before the Motion for the adjournment is put by the Lord Chancellor I wish to ask whether His Majesty's Government include any concession with regard to the teaching of religion during the course of school hours.

THE EARL OF CREWE: We do not propose to attempt to restore our original Clause 6, which left the attendance voluntary.

***LORD STANLEY OF ALDERLEY:** My Lords, I feel very strongly that it is an embarrassing thing for any of us to assent to the adjournment of the debate

on a mere verbal statement of proposals we ought to see in writing, and of which we do not know the exact terms and the exact scope. I take it, of course, that whatever is not conceded in the speech of my noble friend in charge of this Bill is not conceded in fact, and that therefore the whole range of the concessions is that set forth in the speech. I must say that I feel sure there are many outside this House who have supported the Government throughout this Bill who would not be prepared to support several of the concessions indicated unless those concessions are much more clearly explained and much more strictly limited. For instance, I cannot imagine agreeing to the adjournment *sub silentio* with the very vague and doubtful suggestion that some private arrangement should be talked over between the noble Earl in charge of the Bill and the noble Duke sitting on the cross benches as to what has been called a "half-way house" between the absolute right of the local authority to use its own judgment in taking over or not taking over schools and some coercive action to be applied to that local authority. I feel that there is no half-way house between the right of the local authority to have regard solely to efficiency of education and economy of the rates and the subjection of the local authority to any external power. Any half-way house which would give any manager of a school a title to claim from any external power the right to be taken over irrespective of what the local authority might consider the general interests of education would be a serious matter. It is all the more serious because it would impose in many cases a very heavy burden on the rates. I can quite understand that redundancy is a matter which does become material in the case of Clause 4 schools; but redundancy is by no means the only ground which would be a reasonable ground of rejection under Clause 3. Every town feels the importance of consolidating the schools, of dealing with them as they think fit, and of combining or rebuilding them if thought desirable. I take it that the willingness to adjourn shown on the other side of the House implies some sort of willingness to consider not unfavourably the compromise suggested; but I think it would be very

unfortunate if we were to go for a compromise now without knowing the exact limitations of what we are proposing to give up. There are many things I would be willing to give up for peace and settlement, but I think there are one or two things which certainly will strain the loyalty of Liberals throughout the country even to breaking point.

THE FIRST LORD OF THE ADMIRALTY (Lord TWEEDMOUTH): My Lords, I hope I may appeal to your Lordships not to follow the course adopted by my noble friend behind me. No one is more worthy to express opinions on this subject, which he has made so entirely his own. But I think the House as a whole must feel that we have arrived at a most critical moment when there really is a serious and probable chance of our coming to a sound arrangement. Therefore the least said at the present moment from any quarter of the House, the better it will be. I therefore earnestly hope that the representatives of the different sections of the House will refrain from speaking now, and endeavour to-morrow to come to such an arrangement as will enable us to carry the Bill through the House.

On Question, debate adjourned until to-morrow.

THE SOUTH AFRICAN CONSTITUTIONS.

THE DUKE OF MARLBOROUGH: My Lords, I rise to call attention to the Letters Patent of the Transvaal; and to inquire of the Secretary of State for the Colonies whether he can give information as to the proposed Constitution for the Orange River Colony. I trust that the noble Earl, in outlining the Letters Patent which are on the Table, will go into one or two matters with care and precision and give us a little more exact information. I allude, in particular, to the question of land settlement and to those clauses dealing with the annulling of the Chinese Labour Ordinance. Furthermore, I trust the noble Earl will give full and detailed information with regard to the new Constitution which His Majesty's Government propose to grant to the Orange River Colony. I think at this late hour it would be un-

becoming on my part to traverse again the ground which the noble Earl and other noble Lords in this House covered at the end of the earlier part of the session in dealing with the new Constitution for the Transvaal. Consequently I confine myself in the most formal manner to putting to the noble Duke the Question which stands in my name.

*THE SECRETARY OF STATE FOR THE COLONIES (The EARL of ELGIN): My Lords, I do not think I have very much new to say with regard to the Letters Patent as a whole. They faithfully carry out the forecast I made to your Lordships in July. That forecast was of necessity a summary, and the full details are now presented to your Lordships. I believe there is substantially no difference in principle between the one and the other. Moreover, the Constitution in its general form, so far, I mean, as it deals with laying down regulations for elections and the transaction of business, follows strictly the precedents that have been established; and it does not seem to me that it is necessary for me to go into a detailed examination of this matter, unless there is some point on which your Lordships specially desire information.

I am anxious to insist upon the fact of there being precedents, because I think that has been overlooked in some of the criticisms which have been made. Take, for instance, the question of the reservation of Bills. It has always been the custom to prescribe certain classes of Bills which were to be reserved for the signification of His Majesty's pleasure. but it was usual at one time to give detailed instructions to the Governor in a separate document, and the instructions so given were treated as confidential. I think it was during the time of Mr. Chamberlain that it was first laid down that the instructions should be published, and we have conformed to that ruling, with which I entirely agree.

It would appear that some persons are of opinion that the first reservation in Clause 39, which refers to persons not of European birth, is an innovation. That is by no means the case. It is taken, I think, textually from the instructions given to the Governor of

Lord Stanley of Alderley.

Natal. It is to be found also in the instructions of the Governor of the Transvaal, of the Orange River Colony, and of the Governors of many other Crown Colonies. I think I cannot do better than draw attention to the words in which my predecessor justified its insertion in the Letters Patent of 1905. Mr. Lyttelton, in his despatch, used these words—

“His Majesty's Government have been unable, having regard to the terms of peace signed in 1902, to make provision for the representation of any of His Majesty's coloured subjects. As a protection, however, of the interests of those sections of the population which are not directly represented in the Legislature, the Governor will, as now, be required by his instructions to reserve any Bill by which persons not of European birth or descent may be subjected to disabilities or restrictions to which persons of European birth are not also subjected.”

I should like also to refer your Lordships to Clause 51, in connection with the pledges on the question of natives which I gave in July. Though I expressly refrained from committing myself with regard to details, I did mention the reservation in some cases of sums of money for their benefit as a subject for consideration. But on looking further into the question we came to the conclusion that this provision had not always been successful in the cases in which it had been used. In West Australia, I think, it gave rise to prolonged conflict, and was at last repealed; in Natal it has not worked altogether satisfactorily. Therefore, it appeared to us that it was right and proper to reserve for Imperial consideration the approval of laws which imposed disabilities. But it is quite another thing to attempt anything in the way of administration from this country. It is to my mind impossible to refuse to the Government, to whom we are deliberately entrusting the administration of the Colony as a whole, our confidence in the control of the natives within their borders, and I have no inclination to do so. We retain the Governor as paramount chief, and it is through him we shall be able to exert such influence as is proper and necessary on behalf of the natives. I believe in this way we shall better secure adequate provision for them and for the wants of the native population as a whole than by attempting to insert in the Constitution

itself definite sums, the sufficiency of which it is an extremely difficult matter to estimate at such a time as this.

Personally I regret extremely that the terms of peace have prevented there being any representation of natives in the Legislature. I have sat in a Council where there was native representation, and I am sure the noble Marquess the Leader of the Opposition, who was my predecessor in that Council, would, if he were present, corroborate my view that we have gained much by their presence. I hope that at no distant time the Colonies themselves may be willing to fill up this blank. In the meantime we have made what under the circumstances must be scarcely more than a suggestion, but which we think might give some opportunity for natives being heard. It is a suggestion which is founded on the custom of South Africa, and the records of what can be done, for instance, in Basutoland, under the guidance of a sympathetic officer, by holding assemblies of this kind, make me hope that the new Government of the Transvaal may be willing and able to develop on these lines and to use the powers of this clause to set up institutions which may be useful. Swaziland illustrates the point I have been making. It is not strictly within the physical borders of the Transvaal. It can well be administered as a protectorate under the High Commissioner for some time to come, and the Order in Council which is circulated with the other Papers provides for this.

The noble Duke asked me especially to refer to the clauses which deal with Chinese labour. I frankly admit that the third paragraph of Clause 39 and that Clause 50 are abnormal; but after the discussions which took place earlier in the year I have really nothing to say on the point, except that I consider them justifiable under the circumstances. The circumstances themselves have rendered them necessary, and they simply carry out declarations which were made by the Chancellor of the Exchequer and by myself in the two Houses of Parliament.

I would, however, venture to demur to the proposition that we have wantonly interfered with contracts. Those who make that accusation must have rather

short memories. They forget that when we assumed office just a year ago we succeeded to the very troublesome legacy of 16,000 licences, and that in spite of repeated protests from large bodies of our supporters—protests with which we ourselves had much sympathy—we have adhered loyally to the obligations undertaken by our predecessors and we have respected those contracts. The result is that not only were 2,000 additional coolies landed in South Africa last month, but that the total number is now 53,000, as compared with 47,250, in spite of all wastage. I maintain in the same way that in these Letters Patent we go as far as we can to protect contracts. The contracts under the Ordinance are for three years, but there is the power of renewal. We respect them for three years, but we forbid renewals. I should like to point out how that works out. The new Transvaal Government may do one of two things. It may propose a new Ordinance, or it may not. If it does, and acts with reasonable promptitude, I do not think any serious question will arise about renewals. The first shipment that arrived in South Africa did not arrive till June, and, therefore, comparatively few will be affected during the first months of the new Government, while they are considering the Ordinance. If, on the contrary, it decides against the continuance of the system, the absence of renewals will greatly facilitate this operation, and also the withdrawal of the coolies. In that case the withdrawal will be carried out by a gradual process. A gradual process is beyond doubt the one which would be to the advantage of those concerned in the mines, in their endeavour to supply a different form of labour. When this question was last before the House I stated that I felt more and more that this system as a permanency was impossible, and so far as I personally am concerned, I adhere to that opinion.

Then the noble Duke has asked me to say something about land settlement. I was sorry on the last occasion when this subject was under discussion not to have been able to give an answer more satisfactory to noble Lords interested in this question. It had never seemed to me to be possible to continue a system of land settlement on anything like the scale or

for the purposes of the scheme initiated by Lord Milner, except by consent. However, we did our best to get the consents to the larger scheme which was foreshadowed in speeches made in July, especially in that of my hon. friend who represents the Colonial Office in the House of Commons. But the inquiries made by the High Commissioner proved to demonstration that practically in no quarter could we rely upon a cordial acceptance of a scheme of that character. Therefore we had no alternative but to fall back upon some more modest proposal.

What we desire to secure is that time may be given to the new Government to form a fair estimate of the situation. My own view is that it is so important to develop the agriculture of the Colonies that I find it difficult to entertain any doubt that the new Government, when it realises, as it is bound to do, that settlers of some kind would be a valuable addition to the strength of the Colony, will not only wish to retain those there already, but will desire to increase their numbers. But, of course, the terms and conditions upon which any scheme of that kind can be carried out must be for the determination of the Government of the day. It has been so left in the Letters Patent. I should like to draw your Lordships' attention to the fact that we have added a proviso which would enable the duties of the Land Board to be transferred by agreement to the Government at any time during the five years during which the Land Board is called into existence. There is no compulsion. The Land Board will exist unless agreement is come to. If agreement should be come to it would be highly satisfactory, because it would mean that a good understanding had been arrived at between the settlers and the Government, which, I imagine, is the object of noble Lords opposite, as certainly as it is my own.

As to the general provisions of the Letters Patent to the Transvaal, I do not think there is much that I need trouble your Lordships with in detail on this occasion. I wish rather to deal now with the second part of the noble Duke's notice by giving information with regard to the Orange River Colony. I personally am glad that this time has arrived. I admit no blame or delay in the matter. It has

always been our position that the Transvaal must be dealt with first, but all the same I, for one, had a feeling that the history of the Orange River Colony justified their claims upon our attention. I should like to quote from a speech not by any member of His Majesty's Government on that subject—

"We do not propose that the Constitution of the Orange River Colony should necessarily be the same as the Constitution of the Transvaal Colony, either at starting or in the immediate future. It will be dealt with upon its own merits and dealt with separately, and we think it possible, from the circumstances with which everyone is familiar, that an earlier beginning to greater political liberty may be made in the Orange River Colony than in the Transvaal. That is due to the fact that the Government of the Orange River Colony, previous to the war, was a very good Government, and consequently, speaking generally, we shall find there probably the means of creating a satisfactory administration more quickly than we can do in the case of the Transvaal."

As I said, that is not from a speech by any member of the present Government. They are the words of Mr Chamberlain.

I need not dwell upon the difference in the situation of the Transvaal and the Orange River Colony. In the Transvaal we have not only racial division but industrial and commercial interests which are varied and more or less equally balanced, and the chances of a political contest must remain doubtful. In the Orange River Colony, on the other hand, there is only one interest, the agricultural, and only one race, the Dutch, and the only thing doubtful in the election would, I suppose, be the size of the minority. It is not surprising under these circumstances that there should have been some feeling in favour of the restoration in some form or manner of the previous Government. There was this fatal objection to that—by no manner of means could it be made to secure the settled characteristic of responsible Government, *i.e.*, the responsibility of Ministers to Parliament. We must give responsible Government, not only or principally because we have so promised, but because unless we do so we raise up once more the serious obstacle to the ultimate federation of the South African Colonies:

The best way in which I can state the nature of the proposals we make is to read to the House the telegram

which I have to-day despatched to the High Commissioner. It is as follows—

"His Majesty's Government have throughout been anxious that no unnecessary delay should take place in the accomplishment of the declared purpose of His Majesty to confer responsible government upon the Orange River Colony; and they are now able to announce that the main bases and provisions of the Constitution as granted to the Transvaal shall equally apply in the case of the older sister colony, and they will, therefore, advise His Majesty to issue Letters Patent for the Orange River Colony following in its substantial features the Transvaal Letters Patent of the 6th in t. Representation will be on voters' basis coupled with manhood suffrage and a residential qualification of six months. The magisterial districts will be retained with their existing boundaries for electoral purposes, and there will be separate representation of towns. The Legislative Assembly will consist of thirty-eight members, comprising twenty-seven district members and eleven town members."

I have a list of the separate districts. I do not know whether noble Lords desire me to read it.

LORD LOVAT: May we have the towns?

THE EARL OF ELGIN: I will give the constituencies and the towns—

"List of constituencies:—Bloemfontein, Kroonstad, Rouxville, and Winburg, two members each; Bethlehem, Bethulie, Boshof, Edenburg, Ficksburg, Frankfort, Harrismith, Heilbron, Hoopstad, Ladybrand, Lindley, Philippolis, Senekal, Smithfield, Thaba 'Nchu, Vrede, Vrededorp, and Wepener, one member each; Fauresmith and Jacobsdal (together), one. Towns:—Bloemfontein, five members; Harrismith, Kroonstad, one each; Bethlehem, Fouriesburg, and Ficksburg (together), one; Jagersfontein and Koffyfontein (together), one; Parys, Vrededorp, and Heilbron (together), one; Ladybrand and Thaba 'Nchu (together), one. The allocation of seats has been made on the results of the census of 1904, except that five members are allotted to Bloemfontein town to allow for an increase of population. The principle followed is similar to that laid down in the case of the Transvaal in Schedule 3 of the Letters Patent. Provision will be made for automatic redistribution. The Legislative Council will consist of eleven members, and will be constituted in the first instance by nomination as in the case of the Transvaal. The provisions with respect to the Intercolonial Council and land settlement and reservation of laws on certain subjects will be similar to those in the Transvaal Letters Patent."

As there was not in the Orange River Colony a district which marked itself out, as the Witwatersrand did, as an urban district, it has been necessary

to make provision for the separate representation of towns in the manner prescribed in the telegram I have quoted—that is, in part, by grouping towns together to make the necessary constituency. When noble Lords compare this telegram with the text of the Letters Patent they will no doubt be able to fill up the particulars readily. But of course the actual drafting of the Letters Patent will be proceeded with without delay on the lines I have now laid down. It will be remembered, however, that in the case of the Transvaal, certain steps had been taken already before we assumed office to provide for a voters' list under the Constitution of 1905. In the Orange River Colony everything has still to be done; but I can undertake to say that no time will be lost; and I hope that by the autumn of next year both Colonies will be fully equipped. I have repudiated already the charges of delay. As a matter of fact, when it was decided to revoke the Letters Patent of 1905, it was seen that some delay was necessary and that the election could not take place till months later. But we publicly announced that; and I might mention one incident that occurred at the time of the revocation of the Letters Patent. I had an interview in the spring with an important official from the Transvaal, and he said—

“I suppose that you must now be intending to have two more sessions of the present Council, for it would be quite impossible for you to get things ready sooner.”

I replied—

“That is not my estimate. I hope all will be ready in December.”

and I have had the pleasure of sending my friend a copy of the Letters Patent. I do not take the credit to myself. If I may claim any credit, I should like to claim it for the Committee who went to South Africa and from whom we got valuable council; for the Governor and the Lieutenant-Governor, who have always been ready ungrudgingly to give us every information; and, above all, for the gentlemen who have unsparingly devoted time and thought to the preparation of this extremely important and complicated document. In conclusion, I feel that the responsibility of His Majesty's Government in for-

mulating such a settlement as this has been very great; I feel my responsibility as representing His Majesty's Government to-day is very great. But there is one fact which, I think, offers us some encouragement, and that is that, since these proposals were first made public in July, there has been a general willingness to acknowledge that at any rate an earnest effort has been made to deal in a fair and equitable manner with the different sides of this difficult and complicated question. I venture to assure the House that in this the country has done us no more than justice; and it is in the hope that the House will not refuse to endorse that judgment that I now leave the matter in your Lordships' hands.

***LORD COURTNEY OF PENWITH:** My Lords, I do not wish to go at any great length into the discussion of the Constitution of the Transvaal, upon which I had something to say on a previous occasion. But there are two or three questions which I should like to put, with a view to eliciting certain information. The working of this Constitution will, as I believe, depend very largely upon the constitution of the Legislative Council. If the Legislative Council is fairly composed, then, I think, the Parliamentary institutions will work with fair smoothness, and the Transvaal Government may look forward to the future with some degree of confidence. How is the Council to be composed? According to the Letters Patent, the members of the Council are to be summoned by the Governor. I take it that that is the phrase which was inevitable as a matter of form; but I do not suppose (indeed, I think the contrary has been said elsewhere on another occasion) that the members of the Council are absolutely to be selected by the Governor, Lord Selborne. They would be agreed upon, no doubt, after consideration of the advice and recommendations received by Lord Selborne, but would not be exclusively selected by his authority, and though he summoned them to the Council, they would be summoned by him under the authority, with reference to the persons summoned, of the Government at home. I have no doubt that Lord Selborne would choose

the fifteen members of this Council with the best wish to form a Council which should work fairly with Parliament in the future, but I confess that I do not think the selection of Lord Selborne would give great confidence to the people of the Transvaal if it was supposed that he had the absolute selection of the fifteen members. I confess, for my own part, greatly as I respect the character of Lord Selborne—as indeed all must who have had any degree of intimacy with him—I do not consider that he is the best person to select, on his absolute authority, the members of the Council which is to form such an important part of the future Parliament of the Transvaal. Therefore I should like to have confirmed what was said by the Under-Secretary, I think, on a former occasion—that the members of the Council, although summoned by the Governor on the spot, are to be named, and selected, and approved by the authority of the Government at home.

There is a singular provision with respect to this Legislative Council which perhaps has not attracted the attention of your Lordships. The Parliament which is to be set on foot—the Legislative Assembly and nominated Council—will have the power of suggesting the mode of, and framing the scheme for, providing the elected Council of the future. The nominated Council will run five years. At the end of four years, Parliament is invited to frame a mode of electing members of the Council for the future, so that we may look forward to an elected Council to succeed the nominated Council in the future Parliament of the Transvaal. But in the event of no such mode being agreed upon at the end of four years—in the event of a failure to provide means of electing an elected Council in the future—there is a provision that the present nominated Council shall be succeeded by another nominated Council, and that that second nominated Council is to be nominated on the spot by the Governor in Council. Now, nomination by the Governor in Council is a very remarkable way of creating a second Council. It would be very convenient, no doubt, to the incoming Ministry after a new election to recommend how the Second Chamber should be constituted. It would be very agreeable, and it would

facilitate the transaction of business in this country of ours, if the Second Chamber were nominated on the authority, recommendation, or advice of Ministers of the Crown, by the selection of the Crown at the commencement of every Parliament. Such a state of things would doubtless produce harmony between the two Chambers; but I do not suppose that that is really a serious and valuable contribution to the question of this country's constitution in the future, and I imagine that your Lordships would regard such a proposal with some surprise. But that, as I understand it, is the way in which the Council of the Transvaal is to be supplied in the future in case of a failure on the part of the new Parliament of the Transvaal to devise some means of electing the Council.

There is another point upon which I should not have spoken at all but for the language of the noble Earl just now in reference to Chinese labour. He spoke of the power of the new Legislature of the Transvaal to pass the new Labour Ordinance, and he seemed to throw it on the unrestricted discretion of the new Legislature of the Transvaal to frame that new Labour Ordinance.

THE EARL OF ELGIN: No.

***LORD COURTNEY OF PENWITH:** The language which the noble Earl used went, I think, to that length. He said that supposing they did nothing, then such and such things would happen; but supposing they passed a new Labour Ordinance, then the coolies there might remain under that new Labour Ordinance. But I wish to have it emphasised—as I now take it to be emphasised by the noble Earl—that any new Labour Ordinance devised by the new Legislature will be expressly reserved for the sanction of the Government at home, and will not be regarded as a matter of course to be accepted and approved by the Government on the spot. It will have to be a Labour Ordinance differing radically from that at present in existence, if, as I conceive, it is to receive any degree of approbation in this country.

Two or three questions have occurred to me about the land settlement clause; but I am not sure that it is discreet

on my part to ask them, although it is merely for information that I wish to have some obscurities of the Ordinance elucidated. The three members of the Board of Land Settlement are to be nominated by the Governor, and to hold office during pleasure. Will they, then, be personally removable by the advice of his Ministers under the new *régime* which you are going to set up? They hold office during pleasure, being nominated by the Governor. Now, office holders during pleasure would be undoubtedly capable of being displaced, and constitutionally would have to be displaced, if the advisers of the Crown recommended that such persons should be removed from office. Would the members of this Board be removed on the recommendation of the new Ministers under the Parliamentary system which we are now establishing if they recommended the Government so to do? Also, the Governor is to declare what salaries these Commissioners should have; but I have not been able to ascertain out of what fund these salaries are to be paid. That is a question which must have a very important bearing on the tenure of their office, apart from the question of their removability, to which I have already referred. I do not see myself how that fund is to be provided for. It is possible that the noble Duke opposite has some information of that kind. The £58,000 to which he referred, and which is entirely unknown to me, may cover some provision in the future which is supposed to be extended towards the salaries, but I really do not know anything about it, and I do not see what provision is made for the payment of the salaries of the members of this Board.

Lastly, the members of the Board are to receive the present balance of funds allotted for the purpose of settlement, and any further sums which, having the sanction of the Government at home, may be allotted for the purpose by the Inter-Colonial Council. But that Inter-Colonial Council, I observe, depends for its existence on the acquiescence in future of the Government of the Transvaal, and of the Government of the Orange River Colony, each of which would bring the Inter-Colonial Council to an end; so that I have not very much anxiety

Lord Courtney of Penwith.

about the power of the Inter-Colonial Council on that point.

I may perhaps be allowed to make one observation in conclusion, by way of qualification of what has been said by the noble Earl. He has told us that it may well happen that in view of the agricultural capabilities of the Transvaal and of the desirability of adding to the agricultural population, the new Government of the Transvaal may promote a system of land settlement. I should be very much surprised if it did, and I confess that the agricultural outlook of the Transvaal is not, in my estimate, of that inviting character which the noble Earl described. But if any land settlement is carried out such as has been carried out, for instance, in several of the Australian Colonies at different times in their history, and such as has been carried out more recently in New Zealand, it will be, I take it, a land settlement which will not be for the purpose of promoting any political object whatever; it will be a settlement which will be in the best interests of the settlers, be they English or be they Dutch—a settlement which will provide good agricultural workers for all the agricultural land which may be suitable for cultivation. I do not think myself that the history of South Africa in the past or the condition of South Africa at present is at all inviting to any agricultural population. If I had a friend who was intending to carry on any agricultural pursuit, the Transvaal is about the last place to which I should recommend him to go. I have no great anxiety about it; but I only wish to suggest that, although the Government of the future will have full power to promote—and if it chooses can promote—any settlement it pleases, it can scarcely be of the same character as that of the land settlement promoted under the auspices of the noble Viscount on a former occasion, which was actuated not so much by the desire to promote the best interests of agriculture as by the desire to promote certain political action within the area of the Transvaal.

*LORD HARRIS: Unfortunately I was not in the House when the noble Earl,

Lord Elgin, made his statement upon that portion of the Letters Patent which refers to Chinese Labour. Your Lordships have always been very indulgent whenever I have addressed you on this subject, and I hope I may offer a few more remarks. Of course the dispute is over now. The Government has decided what shall be done, and as regards the arguments for or against what the Transvaal found it necessary to do, I have nothing more to say. We have made our fight, and we have been defeated. But I should like your Lordships to understand what I think will be the effect of the Chinese Labour Clauses (if I may designate them by that term) if the objects of the Government, as I understand them, take effect. I am not going to indulge in excursions into the realms of prophecy as to what is certain to happen; I only propose to suggest to your Lordships what may happen.

As I understand it, from the remarks of the noble Lord, Lord Courtney, the intention of the Government is that the Chinese labourers shall complete their existing contracts, and that unless some law is passed affecting their re-engagement, the coolies will leave South Africa at the end of their present engagements. As the noble Lord on the back benches pointed out, any law of the Transvaal upon that subject will, I suppose, have to go through the same procedure that every colonial law has to do—it will require the assent of His Majesty. And I imagine that if the present Government are then in office, and are true to their profession, they will take objection to any law which does not provide that the Chinese shall return to their own country at the end of their engagement. I think it is extremely unlikely that the Transvaal will consent to a law which allows the Chinese to settle in the country. On the other hand, His Majesty's Government was, I understand, faced by the fact that a Chinaman is willing to return to his own country at the end of his contract. That is held by His Majesty's Government to be too servile a condition, and one to which they cannot assent. So that there seems to me to be the gravest probability of a difference of opinion upon that point. If that

be so, and if the Transvaal are unable to pass such a law as His Majesty's Government will advise His Majesty to assent to, then it seems to me that the effect of the Letters Patent must be this—that by April, 1908, that is to say, some sixteen months from now, as many as 40,000 Chinese, or very nearly that number, will have returned, or will be about to return. That, I should judge from all that has been said by His Majesty's Government and by their followers, is the object at which they aim. Whether that be so or not, I think that they ought to realise that the effect of such repatriation must be the paralysation of the most important industry in South Africa.

There have been a great many misleading statements made on the subject of the supply of unskilled labour in South Africa. There have been two Commissions, if not three, which have reported on the subject, and the two important ones have reported to the same effect—that owing to the hereditary pursuits of the Kaffir, there is an insufficiency of supply of manual labour in that country. The Kaffir is not a labourer by preference or by training; he is a farmer. He has his piece of land, and he does not undertake labour very readily, and generally only under the urgency of a failure of crops, or because he wishes to improve his position. He leaves his family at home to get in the crops, and he goes and does a certain amount of work for a very limited time—very seldom for more than six months—in order to improve his position at home. The labour in the mines at those great depths is naturally less attractive, and, in addition, is more dangerous, than surface work, and therefore the competition, which is always severe, is further increased by that fact. Surface labour, or labour in a mine like the Premier Diamond Mine, which is practically akin to surface labour, is far more attractive than labour in the deep level gold mines of the Rand. Now, before the war it is estimated—because statistics were very indifferently kept, or never kept at all—that there were about 105,000 Kaffirs working on the mines, and it was known that a very fair proportion of that number were always inefficient,

owing to the ease with which drink was got in those days, and that they were incapacitated by excess. There are now working on the mines of the Transvaal some 85,000 Kaffirs, and it is beyond dispute that the number of Kaffirs now working in the Transvaal is considerably in excess of the number who were formerly working there. I do not mean to say that the population has decreased, but that the number of Kaffirs working in the Transvaal, employed by various employers besides the mines, is considerably in excess of what it was before the war. That points to the conclusion which I arrived at just now—that competition is always severe, and has been more severe since the war, owing to the demand from other employers of labour, such as municipal employment, Government employment, railway employment, and so on. There are now working on the mines of the Transvaal about 85,000 Kaffirs. If as many as 40,000 Chinese—it is very nearly that—36,000, actually, I think—leave the Transvaal permanently by the end of April, 1908, it is perfectly obvious that the industry will be to a very considerable extent paralysed. I hope sincerely that another inquiry will be held at the earliest possible date into the subject of labour supply. His Majesty's Government have ignored altogether the evidence that has been obtained by previous Commissions, and their reports. I personally, and others, last year, or rather early this year, implored the Government to appoint a Commission to inquire into that subject. They refused to do so. I do not say that they have refused to consider the reports of previous Commissions, but they have certainly ignored those reports, and they apparently now contemplate without apprehension the possible paralysis of this industry. The effect of it on the white population employed on the mines must be most serious; that is perfectly obvious, and I do not think that it is right that Answers should be given in another place which lead people to suppose that the employment of whites on the mines is a matter of indifference to the population there. A few weeks ago an Answer was allowed by the noble Earl (Lord Elgin) to be given in another place to this effect: it is reported that the Under-

Secretary stated on the 30th October, that—

"1,000 white miners had been dismissed from the Rand during the past six months, and that during the same period the number of Chinese labourers had increased by 3,598. The people of the Witwatersrand were becoming fully alive to the significance of these facts, and would shortly be able to express their views openly through the medium of a representative assembly."

I think anyone would infer from that reply that the Europeans employed in the mines had materially decreased, as compared with the number of Chinese employed; and I do not think it is a very wide assumption to suppose that people would assume that the European miners referred to were those employed in the mines. Well, now, that is not what had taken place. There had been a decrease of white miners—of European miners—on the mines generally, but that was due to this, that owing to the policy of His Majesty's Government, construction works on the developing mines had been put a stop to. The number of white miners in the mines had actually increased, but the number employed over the whole field had decreased owing to the fact that construction work on the developing mines had been put a stop to. That has been brought about by the apprehensions caused by His Majesty's Government. I have got the actual figures here from Government returns of the miners employed. The number of Europeans at work underground on the last day of September (and that was the month that was taken by the Colonial Office in their reply in another place), was 7,199, while the number in March, 1906, in the producing mines it was 6,999. I might interpolate here that a subsequent reply was given by the Colonial Office—again, I suppose, by the noble Earl's permission—which showed a lamentable ignorance of what was meant by a "producing mine" and a "developing mine," and I took the liberty of correcting that at an early opportunity in *The Times*. A producing mine, I need hardly say, is a crushing mine, where ore is being crushed for the production of gold, while a developing mine is a mine where the crushing of ore has not yet commenced. In March, 1906, the

number of Europeans at work underground was 6,999; in September, 7,199. So that there was an actual increase in those months. What had happened was that on the non-producing mines where the men were not necessarily engaged underground, but were probably engaged upon surface work, the numbers had dropped from 570 to 370, a decrease of 200, as compared with an increase of 600 on the producing mines. Those are Government figures up to the end of September, and they were available for the noble Earl if he had chosen to use them. Instead of doing so, he allowed a misleading statement of that kind to be made in Parliament, and naturally people who expect to get correct figures from Government are misled by such statements. I submit that there has been a good deal of misunderstanding in this country arising from mistatements somewhat similar to those.

Besides this which I have pointed out to your Lordships as regards the possible result of the policy of His Majesty's Government, there is one other matter which I feel bound to refer to again, and that is the policy which His Majesty's Government have deliberately chosen to pursue as regards the Kaffirs from Portuguese territory. About 70 per cent. of the Kaffirs employed on the mines come from Portuguese territory. They are not British subjects; they are the subjects of His Majesty the King of Portugal, and, as I have explained several times to your Lordships, there has been always an arrangement with the mines on the Rand that they should be allowed to recruit in Portuguese East Africa. I believe it was a monopoly for the mines. The Portuguese authorities prefer that they should know where their Kaffirs go to, and, after the war, a co-operative system having been set up, the Portuguese authorities undoubtedly preferred that their Kaffirs should be engaged by the Native Labour Association, because they could lay hands upon them, and knew where they were; they could trace them if they wanted to, and they got rid of all the worst part of the recruiting scheme by doing away with the old touting system. I should like to show your Lordships what His Majesty's Government have been doing as regards this subject. They must

have known for months what their policy was. Their policy is to get rid of Chinese labour. They have said so over and over again—of course unless the Transvaal is prepared to accept what His Majesty's Government regard as a servile condition. That was the only exception, otherwise His Majesty's Government were determined that Chinese labour should be got rid of. They knew that—that has been their policy for months past—and yet they have entered into a confederacy with one of the magnates of the Rand. Your Lordships will know what epithets have been applied to those who are termed "the magnates of the Rand" by the followers of His Majesty's Government. They have been called by every opprobrious epithet that it is possible to apply to them, and yet His Majesty's Government have entered into a confederacy with one of these same magnates. For what purpose? In order to get him out of a difficulty, and that the Chinese should go back. They have endeavoured, so far unsuccessfully, to obtain preference—this from a Government which I should have thought at any rate would have been impartial—to obtain from the Portuguese Government preference for their confederate—the Robinson Group. I do not think that anyone can regard that as a very dignified attitude for his Majesty's Government, having regard to all they have said of the magnates of the Rand. Well, if we are black sheep, I do not suppose even the Robinson Group would claim to be a white sheep amongst the flock. If we are black, the Robinson Group is as black as any other, and yet His Majesty's Government have entered into this confederacy with the Robinson Group solely for the purpose (because it would have been possible for them to have acted impartially towards all the groups at the same time) of obtaining a benefit for this one group. And in order to secure that—there is no question about this; it is perfectly well known—they have been bringing every possible diplomatic weapon they can to bear upon the Ministers concerned. That, I submit, is hardly a dignified attitude for His Majesty's Government to take up in regard to the Portuguese Colony. What the effect of this diplomatic

pressure will be, we none of us know at present. What we do know is, that His Majesty's Government are still bringing this diplomatic pressure to bear against the wishes of the Colonial Government. The Colonial Government, who, one must assume, know their own business best, are most anxious that this competitive system which His Majesty's Government are trying to introduce should not be adopted. They know the system which the Witwatersrand Native Labour Association have conducted; they know the care that is taken as regards the medical examination of the Kaffirs when they come to the border; they know the care that is taken of them when they are on the way up to the Rand, and the medical care they receive when they arrive there. They are not allowed to be sent down the mines until the doctors pass them as fit for labour. What provision have His Majesty's Government made, I should like to know, that the Robinson Group shall take the same care of the Kaffirs when they are recruited for that body? I have not heard that any steps whatever have been taken through all this diplomatic pressure. I do not understand that any proviso has been put in by His Majesty's Government that precisely the same care shall be taken of the Kaffirs when they are recruited by the Robinson Group as has been taken of them by the Witwatersrand Native Labour Association.

It is impossible to say what is going to be the result of all this dispute that has been going on now for so long, but I have no hesitation in saying that if the result of the clauses in the Letters Patent is what the noble Lord on the back benches wishes, and all the Chinamen are repatriated, it is inevitable that the industry must suffer severely. It may be disputed opposite, but I speak from the statements of everyone out there. If your Lordships ever read the *Daily Telegraph*, you will see what is the opinion that has been expressed by leaders of every political party out there. They are very small parties, but from every party out there, there is an expression of opinion that if the Chinese are repatriated in such numbers as I have suggested, the industry must suffer

Lord Harris.

most materially. That is all I have to say. It is impossible for us to dispute this question any longer. All I hold out now is a warning to His Majesty's Government that that is a possibility, and that if that possibility arises, they cannot expect to find, after six to twelve months, a satisfied Colony.

LORD COLERIDGE: I must say a few words in answer to the noble Lord opposite. I did not intend to say anything, but as the noble Lord has made so many statements in this House, so many gloomy prophecies, I should wish to make a few remarks if only for the sake of cheering him and encouraging him not to take such a black view of the future of the Transvaal. The noble Lord asks the Government to appoint another Commission—

*LORD HARRIS: The Colonial Government.

LORD COLERIDGE: The noble Lord asks the Colonial Government to appoint another Commission in order to discover whether there is or is not a shortage of black labour in South Africa. We know the history of the last Commission upon that subject. We know the views that they entertained with regard to Chinese labour when they were appointed. We know the way in which they ruled out from the evidence all allusion to Chinese labour, and we know the Report which was the result of that Commission. And we now know what the birth and the career was of the Witwatersrand Native Labour Association of which at that time we were ignorant. For we now know, what I stated in this House to be the fact, that the Witwatersrand Native Labour Association was an association in the nature of a monopoly for recruiting black labour, and an association which, by reason of that monopoly, was able to produce an artificial scarcity of black labour.

*LORD HARRIS: No.

LORD COLERIDGE: They could regulate to a nicety the number of black labourers they should import, and when the time came to make a good case

for Chinese labour, singularly enough the Witwatersrand Native Labour Association could not find enough black labour in order to supply the demand. Since then, we have known that when that difficulty had been removed, the difficulty they found in recruiting black labour was also removed, and I would encourage the noble Lord to hope—hope springs eternal in his breast, I am sure—that when the necessity arises for producing more black labour owing to the departure of a number of Chinese labourers to their native land, if he will only communicate with the Witwatersrand Native Labour Association, they will have no difficulty in supplying the necessary recruits. But the noble Lord's great objection is this—that the monopoly is breaking down, and that the Government, seeing the disadvantage to the Transvaal, and the disadvantage to everybody concerned, of the power of the Chamber of Mines to produce an artificial scarcity of black labour in that country, have been issuing permits to another group of rival mines which no doubt are very objectionable to the noble Lord.

***LORD HARRIS** : He is no rival ; Mr. Robinson has been a member of the association the whole time.

LORD COLERIDGE : Yes, but I understand that Mr. Robinson has left now. Disliking the methods of the Witwatersrand Native Labour Association, he has left that association, and is now, being dissatisfied with the amount of labour that is produced under the monopoly restrictions, seeking to obtain native labour for himself. That makes the noble Lord very angry, and I have no doubt that as far as the monopoly is concerned, the granting of a licence to Mr. Robinson to recruit in Portuguese East Africa will have the effect of breaking down the monopoly hitherto maintained by the Witwatersrand Native Labour Association, and in the breaking down of that monopoly I trace the anger of the noble Lord at the action of His Majesty's Government. So far as we poor people on this side of the ocean are concerned, we do not see any advantage in a monopoly for recruiting black labour in East Africa. No doubt

there were evils, I do not deny it, following in the train of miscellaneous and promiscuous recruiting, but under certain restrictions we do not see in the least why every effort should not be made to obtain recruiting grounds for persons who are not members of the monopoly under the Witwatersrand Native Labour Association. I think myself the noble Lord may take a more cheerful view. He will find that as the necessity arises, the black men will be produced. I have no doubt that the noble Lord's great objection is to the breaking down of the monopoly of the association. He candidly confessed as much the other night by his spokesman in the other House, because he said it would tend to raise the wages of the blacks. If it raises the wages of the blacks, certainly for my part I should look on with perfect indifference.

LORD LOVAT : You do not farm in South Africa.

LORD COLERIDGE : I do not see why a monopoly should exist for the purpose of keeping down wages ; therefore, I for my part would welcome the breakdown of this monopoly. I hope the noble Lord will forget his jealousy of the rival group of mines, and will aid the Robinson Group in obtaining sufficient blacks to take the place of the 40,000 Chinamen when they go home ; and if he does that, I am sure that the noble Lord and his mines will not be any the worse for the abolition of the Chinese.

LORD LOVAT : My Lords, in the first place I desire to apologise to the noble Lord for interrupting him in his interesting statement, but as I worked for a considerable period upon this subject, I was anxious to get certain information, and I had some anxiety lest the want of elasticity in the rules of the House should not allow the noble Lord to speak again.

The Question which I should like to ask the noble Lord with regard to the settlers in South Africa is this. On page 11 of the Constitution the question of funds is dealt with. The Imperial Land Board which the noble Earl has created by the Constitution I am sure everyone will welcome, and it will do a great deal to remove the anxiety which has undoubtedly been felt among the settlers in South

Africa. But if there is to be this Land Board, and if it is given no funds to carry out the work, it will be practically a bogus Board, and it will be no advantage to anyone. My anxiety about the funds has been considerable, because obviously if there are good times, and the return of that £2,500,000 is to take place, if times are good, and the money is paid regularly, there will be something with which to carry on the Board's work. But then if times are good, the settlers will not require assistance. On the other hand the times may not be good. There may be a series of droughty years, because it is generally acknowledged that drought is apt to run in a series of years in Australia and in other countries where drought frequently prevails, and both Boer and British agriculturists may then be in a very serious position. In that case no money will be coming back, and, therefore, as far as I can see, there will be no money with which to run the Board. Because, in the case put here, there are two conditions under which money can come to the Board. The first is that they can get a certain portion of the money which has already been appropriated, or rather I should say a certain part of the unexpended portion of the £2,500,000. What, exactly, is that sum? I believe practically the whole of that £2,500,000 is now expended.

*THE EARL OF ELGIN: I am not sure about that.

LORD LOVAT: I think the noble Earl will find that of that £2,500,000, £2,340,000 or so had been expended up to last July, and there has been a further grant of £50,000 this year to the Orange River Colony for special objects in connection with the war and one or two other points. That money has been already allocated, and is therefore useless as far as regards the present question. I should like to know how much of that £2,500,000 can be directly taken by the Board.

Then there is a second purpose for which this money is given to the Board. As I have already said, given a bad year, they have no money to expend at all.

Lord Lovat.

The next point you have to consider is in (c) of page 11 of the Constitution, which says—

"Such further sums as may be approved by a Secretary of State out of the moneys hereafter appropriated to the Government by the said council for land purposes."

This has got to be approved by the Council—that is to say, the Inter-Colonial Council. This taking of the half-million of money which remains for the Land Settlement Grant is to be by the approval of the Inter-Colonial Council. I humbly beg to offer the prophecy that there is very little chance of the Land Settlement Board seeing any of this £500,000, because the Inter-Colonial Council will be practically entirely composed of Boers, as your Lordships will see if you look at its composition. As I understand, it is to be composed—and I hope the noble Lord will correct me if I am wrong—of seven members from the Transvaal and eight from the Orange River Colony. Now in the Orange River Colony, to take that first, out of the electing places which the noble Lord mentioned in his statement only five Britishers can possibly be returned. I give the statement merely, I am afraid, on my own authority, but it has been given to me so often in the case of my numerous visits to South Africa that I assume it to be so. Under the distribution of elective seats you have five members in the new elective Chamber from the Orange River Colony. Therefore you may anticipate that there will be only a very small proportion of pro-British members—or, if you do not care for the term "pro-British," you will have, at all events, not many of English birth. In the remainder of the Legislative Council, which is made up of the eleven members from the Transvaal, you will no doubt, in your nominated Legislative Council, have a proportion who will have open minds, at all events, on the land settlement question, but a majority, or at all events a large proportion, of those also will be already pledged against land settlement. Therefore I think you may say that it is practically certain that in the Legislative Council there will be a very large majority who have already, being Boer leaders, expressed the attitude they are

going to take with regard to land settlement, and therefore, with regard to this £500,000 out of the £3,000,000 which has been voted by the British Government to the Colony for definite, specific purposes of land settlement, there is very little chance of seeing that £500,000 go to the purposes for which it was authorised. If you have got a Board, and if, as I think I have shown, there is very little chance of any money coming to that Board to enable it to administer its duties, is it not rather a farce to appoint a Board at all?

I hope the noble Lord will be able to give me an answer under those two heads—first, as to what is the residue of the £2,500,000 already appropriated and, secondly, if he anticipates there is the least chance of these poor wretched settlers—these men who fought for us in the war—getting the remaining £500,000. I think it will be regarded very unfavourably in the country if this Board is simply an eye-wash, and of no value at all, and the Government will in that case suffer considerable loss of prestige. The noble Duke mentioned £58,000. I do not pretend to know the exact figure; I should have said it was rather less—perhaps about £45,000—which comes from the £2,225,000 to £2,500,000 already expended. But of this £45,000, or thereabouts, which is the annual income of the Board, already a great portion has been definitely allocated to certain business. You have first got the payment of the Board; you have got the whole of the development work which has been undertaken and which must go on; you have got the various dam schemes which are already begun, and others which must come forward; and you have got your Water Board. Does that leave much margin out of which to look after your settlers in the country? I say most distinctly it does not, and I again repeat that if this Board is not given enough money to look after these settlers the thing is a sham and a farce which I can scarcely believe for one moment the Government would set itself to establish.

There is another question on the subject of these settlers which I would humbly ask His Majesty's Government, and that is the question of their repre-

sentation. I pressed the question the other day, and I was told that they were being looked after by the Government. I think those were the words the noble Lord used. The only "looking after" that I can see which the noble Earl Lord Elgin has carried out with regard to the settlers is that their one hope of representation—that is to say, by entering the Legislative Council—is entirely knocked away, because in your Regulations for the Legislative Council you only admit men of over three years standing in the Colony. There are very few Colonists there—the colonising work only began two years ago—and the only place where these poor wretched settlers could possibly have a chance of making their voice heard is cut away from under them. I can hardly believe that that was done on purpose to keep out men who had shown their loyalty to the country, but not one single man can be returned for any electoral body, nor can they be returned for any legislative body, by this three years' rule. I think the demand of these settlers is a very moderate one, and although the noble Lord appears pleased with what he has done for their benefit, I, speaking as one who knows a great many of them, and who has heard their views on the subject of the way in which they are likely to be treated by the Boers, think their condition is indeed dangerous.

There was one statement to which I should like to take exception, namely, the statement by Lord Elgin that the Government had carried out the principles which were contemplated last July. I venture to offer the opinion that the Government have traversed a great many of the principles which they put forth last July. One of their first principles—I do not confine myself necessarily to the July statement, but I refer to the March and the July statements in another place—was that the principle of land settlement was to be given. Another great principle put forward was that the Chinese were going to be taken away from the Rand. I would prophesy that three years may go by and we shall see uncommonly few Chinese leave that country. But to return to the question of land settlement for a moment (I will deal with the question of the

Chinese afterwards), in July and in August the question was taken up of the possibility of your £4,000,000 scheme for placing men on the Rand. You say that scheme failed because it met with no approval. I suggest that the reason that it met with no approval was that the scheme itself was radically bad. It was not so much that it was a scheme which the land settlers objected to, but that the scheme put forward was an impossible one. You offered a bribe of, I think, £1,000,000 for compensation. You offered £500,000, or £250,000, for a light railway from Sanna's Post. There was a further £1,000,000 to be given for the Land Bank, and the residue was to go into land settlement. But who was this money going to? £2,000,000 of that money was going to the Board of Interest. There was no chance of getting the men who were going to find the money to vote that. If you had given them a plain issue on the land settlement question do you think you would have had the same answer? I very much doubt it. And again, from the Boer point of view, they thought they were going to be fobbed off with one final £1,000,000 to clear up the whole question. Now, my Lords, if any of you have ever travelled in South Africa, you will bear me out when I say that there is one question which always interests the Boer, and that is the question of the compensation. He will talk about it for hours, and he is determined that whatever else is done or left undone, the Government shall at all events give them the compensation. It is quite obvious, if you mention such a beggarly sum as £1,000,000 for the compensation, no Boer would ever look at such a scheme, and therefore that scheme was foredoomed to failure because the scheme itself was radically bad. You alienated the English on the one hand by giving them a sop, and you alienated the Boers on the other hand by not making that sop sufficiently large.

On the question of the Chinamen, upon which Lord Coleridge has spoken so eloquently, I think there were one or two facts which were hardly taken into consideration when the question of legislation on this subject was being discussed. When we come to the end of the year, when it will be

necessary for the Transvaal Government to put forward some suggestions, I think you will find that in a Government in which the majorities will be very close, something of the nature of coalition and compromise must be come to, and that where there are such big sums to be dealt with—for compensation, for schools, for railway development, and so on—both Britons and Boers will be very chary of sacrificing, or lowering the money production of the country, and I think that as they are chary about lowering the one big industry they have got, you will find both Boers and Briton banded against any interference from the Home Government, and that if you postpone any action for the removal of the Chinese until a year after this Constitution has been in operation, the paper might just as well be torn up, as far as regards any good it is going to do in the direction of sending the Chinaman out of the country.

There are two other points I should like to take up before I sit down. One is the question of miscellaneous recruiting to which Lord Coleridge referred. My Lords, I do trust that there will be no indiscriminate recruiting outside the organised recruiting which is at present carried on. I do not pretend to know about the mines, but I do take an interest in the country from the agricultural point of view, and agriculture there requires so many natives to look after it—so many natives for ploughing, so many natives for general improvements, and so on; and I hope you will not revert to those days in which individuals were wandering about the country trying to bribe your best boys to go off to the Rand. They are not likely to do good to anyone; they are not likely to do good to the Rand, because it will cost more to get natives in that way, and they are likely to do a great deal of harm to the farmers by taking good boys away from the work to which they are accustomed.

There is a further question, on a matter brought up by Lord Courtney, and that is the question of the Legislative Council. I trust that the answer to the noble Lord will be that Lord Selborne will have the nomination of the nominated Legislative Council as

it appears in this book which I hold in my hand. Here we have a country, the Transvaal, where, out of 92,000 electors, 58,000, according to the latest Return, appear to be British, and where only a minority are Boers; and yet, by the gerrymandering of the Constitution, a result has been arrived at by which equality, if not superiority, has been given to the Boer interest. I think, at all events, the British interest should have a chance of being represented by having a nominated Council to control that majority. I think that surely enough has been done for the other side, and that, at all events, as far as the Legislative Council is concerned, the loyalists of South Africa should now have a chance.

***LORD AMPHILL** : My Lords, I have only a few words to say, and owing to the lateness of the hour, I propose to make my remarks even briefer than was my original intention. It is not by way of criticism that I wish to say anything. As the noble Lord, Lord Harris, rightly said, the time for criticism has passed, and we are face to face with an accomplished fact, and whatever our opinions may have been of the wisdom or unwisdom of the policy which His Majesty's Government have seen fit to adopt, we must all share the wish expressed in the Letters Patent, by the gracious authority of the Sovereign, that the Constitution which is now bestowed upon the Transvaal will result in the peace and contentment of that Colony. This is a matter in which everybody, whatever his opinions, must join in the wish that the policy of His Majesty's Government will be successful. The only point to which I wish to allude is this. It is in regard to Article 39, and in this connection I have to express the hope that His Majesty's Government will be as zealous and as determined in the exercise of the reserved powers in respect to legislation which they have taken in the matter of the disabilities of our Indian fellow-subjects in the Transvaal, and as they will undoubtedly be in regard to the imposing of disabilities on British industries in that Colony. I hold that there is no question of Imperial policy which is fraught with more important possibilities than that of the treatment of our

Indian fellow-subjects in the Colonies. I am fully aware of the immense difficulties of the question, and of the fact that hitherto no Government has been able to deal with them satisfactorily, but I feel certain that at least two members of His Majesty's Government—the noble Marquess who leads the House, and the noble Earl who presides over the Colonial Office—will have this great object at heart, to arrive at a solution of the question which will fulfil our honourable obligations to the people of India, and which, at the same time, will meet with the acceptance of our fellow-citizens in the Colonies. That is really all I wish to say. I have necessarily abbreviated my remarks, but I felt bound to say this much, because among the members of your Lordships' House who have in the past been responsible for the Government of India, I am the one who has most recently exercised that responsibility, and I felt, therefore, that it was a duty which I could not neglect to express this hope on behalf of our fellow-subjects in the great dependency of India.

***THE EARL OF ELGIN** : With the permission of the House, I will endeavour to answer some of the questions put to me. In reply to Lord Courtney, I am glad of the opportunity of saying that the intention with regard to the nomination of the Legislative Council is that though the nominations are made through the Governor they should be referred for the approval of His Majesty's Government. That statement is one which I have made before, and that is the method by which we propose to act. With regard to the second nomination of the Legislative Council, I suppose that the noble Lord has not misconstrued the wording of the section. If it did so happen that a fresh Legislative Council might have to be nominated instead of being elected it would be in the power of the Governor in Council, which means the Ministry of the day, to nominate that Council. The whole intention, however, of the clause is that the nominated Council should only endure for the first session, and thereafter it should be an elected Council as in the other colonies. The other point raised with regard to the nominations was on the land settlement clause, and I would

point out that in that clause the appointments are made expressly by the Governor and not by the Governor in Council. Therefore I imagine that the members of the Board would hold office during the Governor's pleasure.

I also desire to say that with regard to the new Labour Ordinance I ought perhaps to have brought out that we of course entirely adhere to the provisions of the Letters Patent, by which any fresh ordinance that was to be provided by the new Government of the Transvaal would have to come home as a reserved Bill. I have said before in my speech that in my humble opinion the continuance of the system is impracticable, but that I hope does not mean that if the Transvaal Government was to bring forward an Ordinance and submit it for the approval of His Majesty's Government, and if I still had the honour of holding the office I now hold, I would not give it the most careful consideration which is due to all measures deliberately sent home by any of our responsible governing colonies. In reply to my noble friend, Lord Harris, I quite expected that he would take the view of the probable results of this legislation which he has expressed, and I am not by any means inclined to deny that there are difficulties in the situation. But, my Lords, I have never been able to see that it was possible for any Government to overlook the duties which they deliberately thought they owed to the cause of morality and freedom, and it is on those grounds that we on this side of the House have taken exception to the system at present in force in the Transvaal, and it is for these reasons that we have inserted in the Letters Patent the provisions to which the noble Lord takes exception. With regard to the other matters to which he referred in his speech, I venture to think that they do not directly arise out of the provisions of the Letters Patent themselves. I have spoken more than once in answer to the noble Lord with regard to recruiting in Portuguese East Africa, and I adhere to what I have said before. I do not accept the proposition that we have embarked in this matter in any sense as confederates, but we have endeavoured to hold the scales evenly, and we shall persist in the policy which we have adopted.

The Earl of Elgin.

In reply to Lord Lovat I desire to say that we certainly hoped and intended that sufficient funds would be available to carry on the work of the Imperial Board effectively during the five years in which it was to exist. I was not prepared for the question as to the exact balance that remained of money appropriated out of the loan, but whatever balance does remain is to be transferred to them. With regard to the further sums that may be appropriated, after some consideration we agreed that these should be made available for the purposes of the Board under the conditions described in Sub-section (c). The noble Lord objects to these conditions not so much because they would not provide adequately for the purpose, but because he distrusts the agents who may have to deal with the matter in the Inter-Colonial Council. All I can say in that matter is that I cannot agree with him. I cannot admit that the members of the Inter-Colonial Council will not act fairly and honourably in the discharge of their duties, whether they belong to the British or to the Dutch race; I believe that they may be relied upon. The noble Lord seems to me very much to minimise the amount of funds which ought to come into the possession of the Board from the repayment of advances. I do not know whether he overlooks the fact that no new settlers of any kind are to be put upon the land. Under these circumstances any repayments, and some of the settlers may be solvent, will come into the funds of the Board for the purposes of these five years. Remembering, therefore, that the only expenditure so far as I know will be upon improvements on the holdings, such as the water supply, of which the noble Lord spoke, and so on, I should have imagined that the funds would certainly have been sufficient. I will, however, inquire if there is any doubt upon the matter, but as far as my information goes that is the intention with which we undertook this matter and framed this clause, and I should be very much surprised to hear that we had not sufficiently supplied the Board with funds.

The Constitution of the Orange River Colony, like that of the Transvaal, will be based upon a general

voters' list, and British settlers will have their votes like any other persons in the colony, but they cannot have more. With regard to the Legislative Council it might be possible that some representation might be given to them, but that I cannot speak of with any certainty at the present time. I do not see on what grounds there can be a claim for a permanent and separate representation for any particular section of His Majesty's subjects. I do not think I can follow the noble Lord into his statement that the provisions of the Letters Patent are not in accordance with statements made in July. In my opinion I think they are in exact accordance with those statements. I have said so before, and I repeat it now. I will not follow him into his criticisms of the scheme which we submitted to those who are qualified to speak on the subject through the High Commissioner. All I can say is that I am sure from the replies which we received that even on land settlement alone there was not that great concurrence of opinion which the noble Lord believed.

I do not think I need assure my noble friend opposite, who spoke of Indian disabilities, that he only correctly interpreted my view when he said I should be only too willing to do all I could to remove those disabilities. I am sure he also feels with me that this is a matter in which we have to keep control over our sentiments, because there are sentiments in other directions, and other of His Majesty's subjects are concerned. Therefore we are obliged to deal with this matter with great circumspection.

BURIALS BILL.

House in Committee (according to order).

Clause 1 :—

Amendment moved—

"In page 1, line 7, after the word 'a' to insert the words 'burial ground or.'"—
(*Earl Carrington.*)

Amendment agreed to.

LORD WEARDALE moved an Amendment dealing with the right of a local

authority to create a burial ground within 100 yards of a dwelling house. Under the recent decisions difficulties arose in cases of land already appropriated for the purpose of a burial ground, upon which houses had been partially erected. It was consequently desirable to make the law perfectly clear, and he begged leave to propose the Amendment of which he had given notice.

Amendment moved—

"In page 1, line 10, after the word 'erected' to insert the words 'or is or was erected or completed.'"—(*Lord Weardale.*)

Amendment agreed to.

Clause, as amended, agreed to.

Clause 2 :—

THE EARL OF MEATH said he had intended to move the rejection of the clause. His objection to it was that it substituted "one hundred yards" for "two hundred yards" as the distance from a dwelling-house within which no part of a cemetery might be constructed without the consent of the owner, lessee, and occupier of the house. The object of the clause was apparently to equalise contradictory legislation; that was a very excellent purpose and one which he would have supported if it had been proposed to substitute 200 yards for 100. His contention was that the Bill if it became law would encourage local authorities to do what was exactly opposite to public opinion and scientific experience. The trend of public opinion within the last four years had been to get rid of cemeteries and burial grounds in towns and suburban districts, and he protested against the great experience of sanitary experts being ignored in this matter. His noble friend in charge of the Bill, with his usual courtesy, had told him that the Government had no desire or intention that the Bill should have any connection with Ireland, and consequently he would not press his Motion.

Clause 2 agreed to.

Bill reported with Amendments: Standing Committee negatived: Then (Standing Order No. XXXIX. having

been suspended), Bill read 3^a, with the Amendments, and passed, and returned to the Commons.

REMOVAL OF OFFENSIVE MATTER BILL.

House in Committee (according to order): Bill reported without Amendment: Standing Committee negatived: Then (Standing Order No. XXXIX. having been suspended): Bill read 3^a and passed.

RECORDERS, STIPENDIARY MAGISTRATES, AND CLERKS OF THE PEACE BILL.

House in Committee (according to order).

Amendment proposed—

“In page 2, line 14, at the end to add ‘That the powers given by this Act shall be in addition to and not in abrogation of any similar power existing under sub-section 4 of Section 83 of the Local Government Act of 1888 or otherwise.’”—(*The Lord Chancellor.*)

Amendment agreed to.

Standing Committee negatived: Then (Standing Order No. XXXIX. having been suspended): Amendment reported: Bill read 3^a, with the Amendments, and passed, and returned to the Commons.

LAND TAX COMMISSIONERS BILL.

Order of the day for the Second Reading read.

THE MARQUESS OF RIPON: I ask the House to proceed only with the Second Reading of this Bill. I do not propose to proceed with the other stages, because the Treasury have a drafting Amendment to introduce in Committee.

Read 2^a (according to order), and committed to a Committee of the Whole House to-morrow.

CENSUS OF PRODUCTION BILL.

Brought from the Commons; read 1^a; to be printed; and to be read 2^a to-morrow: (*The Lord Granard (E. Granard).* (No. 248.)

House Adjourned at twenty-five minutes past Eight o'clock till to-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS.

Monday, 17th December, 1906.

The House met at a quarter before Three of the o'clock.

NEW WRIT

For the County of Cork (Mid-Cork Division), in the room of Daniel Daniel Sheehan, esquire (Chiltern Hundreds).—(*Mr. William O'Brien.*)

PRIVATE BILL BUSINESS.

Ure Elder Fund Order Confirmation Bill [Lords]. Considered; to be read the third time to-morrow.

Ardrossan, Saltcoats and District Tramways Order Confirmation Bill [Lords]; Dunbartonshire Tramways Order Confirmation Bill [Lords]; Dumfermline and District Tramways Order Confirmation Bill [Lords]. Read a second time; to be considered to-morrow.

PETITIONS.

PARLIAMENTARY FRANCHISE.

Petition from Bexhill-on-Sea, for extension to women; to lie upon the Table.

RETURNS, REPORTS, ETC.

BOARD OF AGRICULTURE AND FISHERIES.

Copy presented of Agricultural Statistics, 1906, Vol. XLI., Part I., Acreage and Live Stock Returns of Great Britain with Summaries for the United Kingdom [by Command]; to lie upon the Table.

ARMY (MEDICAL DEPARTMENT).

Copy presented, of Report of the Army Medical Department for the year 1905 [by Command]; to lie upon the Table.

ARMY.

Copy presented of Instructions issued by the War Office to the various Military

Commands with reference to giving Technical Instruction to Soldiers to fit them for Civil Life [by Command]; to lie upon the Table.

METROPOLITAN BOROUGH COUNCILS (BILLS IN PARLIAMENT).

Return presented, relative thereto [Ordered 3rd August, Mr. Cleland]; to lie upon the Table and to be printed. [No. 385.]

PRIVATE BILLS (LONDON COUNTY COUNCIL).

Return presented, relative thereto [ordered 25th October, Mr. Thornton]; to lie upon the Table, and to be printed. [No. 386.]

LOCAL TAXATION RETURNS (ENGLAND).

Copy presented, of the Annual Local Taxation Returns for 1904-5 [by Act]; to lie upon the Table, and to be printed. [No. 387.]

TRADE (FOREIGN COUNTRIES AND BRITISH POSSESSIONS).

Copy presented of abstract and detailed Tables showing Countries of Consignment of imports and Countries of Ultimate Destination of Exports (Supplement to Vols. I. and II.) [by Command]; to lie upon the Table.

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Naval and Marine Barracks.

MR. BELLAIRS (Lynn Regis): To ask the Secretary to the Admiralty what is the total accommodation of the Naval and Marine Barracks respectively in the United Kingdom and abroad, exclusive of coastguards; and in how many cases disciplinary powers for punishment over more than 2,000 men are vested in the hands of one Naval or Marine officer.

(Answered by Mr. Edmund Robertson.) The total accommodation in the United Kingdom is as follows:—Naval Barracks—539 commissioned officers, 16,588 warrant officers and petty officers and seamen. Marine Barracks—217 commissioned officers, 7,060 warrant

officers, non-commissioned officers and men. Abroad:—Marine Barracks—Thirteen commissioned officers, 543 warrant officers, non-commissioned officers, and men. As regards the second part of the Question, this condition only obtains in the Royal Naval Barracks at Portsmouth, Devonport, and Chatham.

Wages and Conditions of duty of Mr. C. Healy, Postman of Headford.

MR. MURPHY (Kerry, E.) To ask the Postmaster General, if he will cause inquiries to be made into the wages, hours of duty, and service of Mr. Cornelius Healy, a rural postman at Headford, county Kerry, who is only in receipt of 5s. 4d. per week after seven years' service; and if he can see his way to give an advance to this man so that he can maintain himself.

(Answered by Mr. Sydney Buxton.) The man referred to is not an established postman, but is employed for a few hours only on four days a week. There is no more continuous duty to which he can be transferred. There are a number of delivery duties of this kind which only occupy a comparatively small part of a working day, and the men employed upon them are therefore free to engage in other work during the remainder of the day. This point must be taken into account in considering the adequacy of the wages.

School Attendance of Learners in Belfast Post Office.

MR. SLOAN (Belfast, S.): To ask the Postmaster-General if he will say under what circumstances female learners in the Belfast office are listed for school attendance during the period when they are required to do ordinary manipulative work; and whether the effect of this arrangement is that the records show so many hours school attendance per day when, as a matter of fact, no such attendance is given.

MR. SLOAN: To ask the Postmaster-General if he can hold out any prospect of permanent places being found at an early date for the female learners in the Belfast office who have so much as four years' service standing to their credit; if it is necessary to employ these learners

On manipulative work while they are officially in school; and can any reason be advanced why they should not be appointed and placed permanently at the work for which their services are now required.

(Answered by Mr. Sydney Buxton.) I am inquiring into these matters referred to in both the hon. Member's Questions, and will communicate the result to him.

Postal Facilities in County Longford.

Mr. J. P. FARRELL (Longford, N.): To ask the Postmaster-General if he will state the result of his inquiries into the applications made from county Longford for extended postal facilities between Barry and Ballymahon, and the application for a Sunday delivery of letters from Longford to Esker.

(Answered by Mr. Sydney Buxton.) I sent the hon. Member an Answer yesterday as regards the desired Sunday delivery at Esker, but the inquiries respecting the postal facilities between Barry and Ballymahon are not yet complete.

Fees of Certifying Surgeons.

Mr. JACKSON (Greenwich): To ask the Secretary of State for the Home Department, whether, in view of the extension of the regulations regarding examinations for certificates of fitness to certain workshops, involving a probable increase in the number of these examinations made by the certifying surgeon at his residence or rooms, it is his intention to retain the sixpenny fee as a fair standard rate of payment for this class of skilled professional work, or will he be favourably disposed to consider the advisability of making some revision in the scale at present in operation; and whether he will be prepared to institute an inquiry among certifying surgeons as to the extent to which children and young persons are sent for examination to the certifying surgeon's residence by large employers of adult labour, who thus take advantage of a concession that was originally intended to be given only to small employers.

(Answered by Mr. Secretary Gladstone.) As regards the first part of the Question I have nothing to add to the Answer which I gave on the 5th instant in reply to a Question by the hon. Member for East Down.† As regards the second part of the Question I will make some inquiries of the nature suggested by my hon. friend.

The Government's Irish Proposals.

Mr. DOLAN (Leitrim, N.): To ask the Prime Minister whether the Irish Self-government Bill, which is to be introduced next year, will be as comprehensive as the constitution granted to the Boers.

(Answered by Sir H. Campbell-Bannerman.) I must ask the hon. Member to restrain his curiosity. If at any time this would be a useful comparison this is hardly the time to make it.

The Admiralty and Employees Unions.

Mr. CROOKS (Woolwich): To ask the Secretary to the Admiralty whether, notwithstanding the promise of the Government that it would receive applications and complaints from the unions direct or the officials of the unions, he has declined to enter into correspondence with, or to confer with such an official who recently wrote to the Admiralty on behalf of the men, the reason given being that he was in the employ of the Admiralty; and, seeing that no such refusal has been made in any other State Department, whether he will take steps to enter into communication with this official, as desired.

(Answered by Mr. Edmund Robertson.) In the case to which I understand the hon. Members refers, the union is not a trades union as I understand the term, i.e., a union representing workers in the particular trade, but an association of the employees in a particular Government establishment. The secretary of this association wrote to me personally, and in reply I drew his attention to the dockyard regulations, in which it is laid down that all representations should be sent to the superintendent through the principal officers, and not to members of the Board direct. If any employee in

† See (4) *Debates*, clxvii., 929.

an Admiralty establishment has any personal grievance, or desires to put forward any general application on behalf of the men, it will be considered by the Admiralty if forwarded through the customary channels. The Admiralty are not prepared to modify the existing regulations on this point, and I do not see that they conflict in any way with the pledge which I gave to the House in the course of the debate on the 1st March. I may remind the hon. Member that men employed in the Navy yards have a recognised method of bringing their grievances direct to the Board in the annual petitions which they may make.

Naval Courts Martial—Suggested Civil Members.

MR. J. WARD (Stoke-on-Trent): To ask the Secretary to the Admiralty whether, in view of the nature of the decisions and sentences of courts martial, the Admiralty Board will consider the advisability of introducing a civil element in the *personnel* of such courts in the future, with a view to securing public confidence in the administration of martial law in disciplinary offences.

(Answered by Mr. Edmund Robertson.) The Board of Admiralty have no power to make the change referred to, which would require an alteration in the Naval Discipline Act.

Court of Session Procedure.

MR. WATT (Glasgow College): To ask the Lord Advocate if he will appoint a Committee to inquire into the whole question of Court of Session procedure and expenses; and, if not, will he devise any means to lessen the fees which are felt burdensome by litigants from the West of Scotland.

(Answered by Mr. Thomas Shaw.) I am in consultation with my right hon. friend the Secretary for Scotland as to the expediency of appointing a Committee to inquire into the staffing, grading, and rights of various legal offices in Scotland. On the question of the diminution of judicial expenses, I think that a substantial step has been taken in that direction in the provisions of Clause 14 of the Workmen's Compensation Act which has just passed this House. The

saving in costs to litigants which will be effected under that provision has been estimated at £10,000 sterling per annum. On the information before me this estimate appears to be sound. I refer further to my Answer to the hon. Member on 21st November last.†

Disposal of Site of Old War Office.

MR. BURDETT-COUTTS (Westminster): To ask the Secretary to the Treasury whether any decision has been come to with regard to the disposal of the site of the old War Office in Pall Mall; and, if so, whether he will make a statement on the subject.

(Answered by Mr. McKenna.) No decision has been come to, nor is one expected during the present financial year.

Local Taxation (Ireland) Accounts.

MR. COGAN (Wicklow, E.): To ask the Secretary to the Treasury if the provisions of Section 59, Sub-section 2, of the Local Government (Ireland) Act, 1898, requiring that an annual audited Return of the accounts showing the receipts and payments of the Local Taxation (Ireland) Account for each year, should be laid before Parliament, had been complied with; and, if not, will he state the reason why the statutory obligation has not been complied with; and will he now undertake that the accounts, as required by the statute, will be presented without further delay.

(Answered by Mr. McKenna.) I find that the annual accounts have not been laid before Parliament as directed by the Act. The omission appears to be due to a misunderstanding as to the department on which the responsibility rests. I agree that the accounts should be laid without further delay, and the Treasury are communicating with the Irish Government in the matter.

House of Commons Dining-Rooms—Tipping System.

MR. CHIOZZA MONEY (Paddington, N.): To ask the hon. Member for Mid. Derbyshire, as Chairman of the Kitchen Committee, if he will consider the advisability of raising the price of the 1s. dinners to 1s. 3d. or 1s. 6d., in order to abolish the system of tipping, and to

† See (4) *Debates* clxv. 828.

provide for the payment of waiters during the recess.

(*Answered by Sir James Jacoby.*) I am unable to entertain an increase in the price of the 1s. dinner now an established institution and the most popular meal served in the House of Commons dining rooms. If the hon. Member's proposals were practical I should prefer charging more for the higher priced meals supplied to Members and their friends. The permanent staff are paid full wages during the Easter and Whitsuntide holidays. As regards the policy of the Kitchen Committee on the practice of "tipping," I would refer the hon. Member to my reply to the hon. Member for Sutherlandshire's Question in this House on 26th April last.†

Lunatics deported from England and Scotland to Ireland.

MR. O'MARA (Kilkenny, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will state the number of insane persons deported from England and Scotland to Ireland during the last ten years; and the total cost of all such persons during the same period.

(*Answered by Mr. Bryce.*) The inspectors of lunatic asylums inform me that, so far as they can ascertain, the total number of insane persons deported from England and Scotland to lunatic asylums in Ireland during the past ten years was 256, and the total cost of maintenance of such persons during that period was £15,907. The cost of maintenance was defrayed partly out of the personal means of such persons, partly out of Imperial funds, and partly out of local rates. As regards the number of insane persons deported to workhouses, the Local Government Board have no information. A Return might possibly be obtained from clerks of unions, but this would occupy considerable time and throw a great deal of additional work upon the union officials.

British Government Pensioners in Receipt of Poor Law Relief.

MR. O'MARA: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will state the number of British Government pensioners in

receipt of Poor Law relief in Ireland, and the cost of relief to this class, discriminating, if possible, between Civil Service, Army, Navy, and police pensioners.

(*Answered by Mr. Bryce.*) The Local Government Board are not in a position to furnish the particulars asked for in the Question. The hon. Member will find some information on the subject in the Report of the Viceregal Commission of Poor Law Reform, paragraphs 222 to 225, recently presented to Parliament; but, as is explained in the Report, it is not possible to obtain complete information on the subject, because inmates of workhouses in Ireland are not always willing to state that they have been soldiers.

Persons in Receipt of Poor Law Relief deported from England and Scotland to Ireland.

MR. O'MARA: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will state separately the number of persons in receipt of poor relief deported from England and Scotland to Ireland during the last ten years; also, the total cost which the Irish ratepayers contributed to the support of all such deported persons in the same period.

(*Answered by Mr. Bryce.*) The Local Government Board have no records which contain the information asked for in the Question, and are of opinion that it would not be possible for clerks of unions to furnish these particulars.

Government Pensioners in Irish Lunatic Asylums.

MR. O'MARA: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will state the number of Government pensioners in Irish insane institutions at the date of the last available Returns, and the total annual cost of such persons.

(*Answered by Mr. Bryce.*) The inspectors of lunatic asylums inform me that, as nearly as can be ascertained, the total number of Government pensioners in public lunatic asylums in Ireland is 126, and the total annual cost of the maintenance of such persons is £3,329. It may be pointed out that the cost of maintenance

† See (4) *Debates*, clvi., 31.

in these cases is defrayed partly out of the pensions or private resources of the lunatics, partly out of Imperial funds, and partly out of local rates.

Returns of Evicted Tenants—Rent owing.

MR. T. L. CORBETT (Down, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether in future Returns of Evicted Tenants in Ireland he will include the number of years' rent owed by such tenants.

(Answered by Mr. Bryce.) I presume the Question refers to the Quarterly Returns of Evictions from Agricultural Holdings in Ireland, which are presented to Parliament. These Returns are prepared by the police, who have no knowledge of the number of years' rent which may be owing by the persons evicted nor any means of obtaining accurate information on the subject. The reply to the Question must, therefore, be in the negative.

Payment of Increments to Irish School Teachers.

MR. T. L. CORBETT: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether teachers entitled to increment from 1st April have received payment of the same; and, if not, what is the cause of the delay.

(Answered by Mr. Bryce.) The Commissioners of National Education inform me that more than three-fourths of the teachers have received their increments, and the remainder are in active process of being paid. The work, they inform me, has been exceptionally heavy this year, owing to the fact that this is the concluding year of the triennial period.

Relief of Distress in Western Ireland.

MR. P. A. McHUGH (Sligo, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can now state in detail the nature of the general scheme which has been prepared by the Department of Agriculture in Ireland with the object of preventing the recurrence of scarcity in the western districts.

(Answered by Mr. Bryce.) The hon. Member appears to refer to the provisional

scheme, mentioned in my Answer of 5th December,† which has been prepared by the Department of Agriculture with the object of preventing the recurrence of scarcity in the western districts of Ireland. It would not be possible within the limits of an Answer to enter into the details of that scheme. The scheme, however, will be fully explained when officers of the Department give evidence before the Royal Commission on Congestion, and I am considering whether it, or parts of it, can with advantage be published in a separate form.

Irish Evicted Tenants—Case of Daniel Murphy.

MR. THOMAS O'DONNELL (Kerry, W.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether any steps have been taken to arrange with Mr. Thomas Wharton, of Dromin, Killorglin, Kerry, who at present occupies the farm formerly held by Mr. Murphy; and, if so, with what result.

MR. THOMAS O'DONNELL: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether an inspector has yet visited the farm at present occupied by Mr. Thomas Wharton, of Dromin, Killorglin, Kerry, and formerly owned by Mr. Murphy, now of Tralee; and, if so, whether any arrangement has been come to with the grabber for the surrender of this farm and the reinstatement of the evicted tenant.

(Answered by Mr. Bryce.) The Estates Commissioners inform me that they have received from Daniel Murphy an application for reinstatement in his former holding, is understood to be at present occupied by Thomas Wharton. The application has been referred to an inspector for inquiry, and, until his Report has been received the Commissioners will not be in a position to say what steps it may be possible to take in the matter.

Grant for the Repair of Fenit Pier.

MR. THOMAS O'DONNELL: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Board of Works have inquired into the claims made by the Tralee Harbour Board for a grant for the repair of the Fenit Pier, and for the reduction of the rate of interest

† See (4) *Debates*, clxvi, 942-5.

paid on the original loan; whether he is aware that the ratepayers have to pay nearly £5,000 per annum for this pier, and that interest at the rate of 4 per cent. is charged on the loan; and whether, seeing that the Treasury borrow money at less than 3 per cent., steps will be taken to reconstruct the loan and reduce the interest on the amount at present outstanding.

(*Answered by Mr. McKenna.*) The Board of Works inform me that the actual annual charge in repayment of this loan is £4,797 10s., but that the ratepayers receive some relief in respect of this charge from the surplus harbour receipts, which during the last three years have averaged £666. Under Section 58, sub-section 4 of The Local Government Act, 1898, the ratepayers in the guaranteeing area also receive relief from the Local Taxation Fund when the annual payment in respect of certain loans, of which this is one, exceeds 6d. in the £. I have considered the application from the Tralee Harbour Board, but, on the grounds stated to the hon. Member in my Answer of the 22nd March last, I cannot undertake to alter the terms of the loan.†

Level Crossings on the Rosslare Line.

MR. FFRENCH (Wexford, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the public are in danger owing to carelessness or mismanagement on the part of the Great Southern and Western Railway Company at the level crossings on the Rosslare line; whether he is aware that sometimes the gates are shut against the train and sometimes against the public, and that the gates on the Mayglass crossing were shut on a recent Sunday which prevented the people going to mass; and if he will order the police to see that the public are allowed a right of way over the roads.

(*Answered by Mr. Bryce.*) I am informed by the police authorities that complaints to the effect stated in the Question have been made to the local police. The police have reported the matter to the railway company, but they have no power to take the steps suggested in the Question. The matter

appears to be one which falls within the province of the Board of Trade. My right hon. friend informs me that no complaint upon the subject has reached him, but that if any complaint should be made to the Board of Trade it would receive due attention.

Irish Education—Appointments of Junior Inspectors.

MR. BOLAND (Kerry, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to an advertisement, dated 23rd November, in which the Commissioners of National Education give notice that they will shortly appoint four junior inspectors; is he aware that under Rule 75 (b) teachers of exceptional ability and qualifications are eligible for appointment as sub-inspectors of national schools, and that under Rule 78 (b) teachers who have been continuously employed under educational authorities from the age of thirty-five years or under may be admitted up to forty-five years of age; can he explain why a new age limit of thirty-five years has now been inserted in this advertisement; and whether, in view of the impression created that the sub-inspectors would be recruited largely, if not entirely, from the ranks of the teachers, he will represent to the Commissioners that an age limit of forty-five should be inserted in place of thirty-five.

(*Answered by Mr. Bryce.*) I have seen the advertisement referred to in the Question. The Commissioners of National Education inform me that Rules 75 (b) and 78 (b) are correctly quoted in the Question, but the latter rule refers to the appointment of persons as teachers and not as inspectors. Junior inspectorships are open to national school teachers under Rule 75 (b); but the Commissioners desire to secure the services of young and active men, as the work is very laborious and involves much travelling and exposure to the weather. The maximum age limit, thirty-five years, has been fixed by the Commissioners after careful consideration of all the circumstances, and in view of the requirements of the public service, and they inform me that they are not prepared to alter it.

† See (4) *Debates* cliv., 590.

Irish Evicted Tenants—Case of Mrs. E. Rourke.

MR. JAMES O'CONNOR (Wicklow, W.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners have yet made the inquiry, promised in May last, into the application of Mrs. Elizabeth Rourke to be restored to the evicted farm situate at Kilmacart, Hacketstown; and, if so, with what result.

(Answered by Mr. Bryce.) The Estates Commissioners inform me that they have referred the application in question to their inspector for inquiry, but his Report has not yet been received.

Police Hut at Glanquin.

MR. WILLIAM REDMOND (Clare, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether there is any reason for retaining the police hut at Glanquin, county Clare, and if he can state the length of service of Sergeant John Miller of the Royal Irish Constabulary; whether he is about to retire on pension; whether, recently in the neighbourhood of Glanquin, a complaint was made that the police kept a man who had been arrested on the road all night; and whether inquiries will be made into these matters.

(Answered by Mr. Bryce.) The Inspector-General of the Royal Irish Constabulary informs me that he considers it to be still necessary to retain the hut at Glanquin, for the reasons stated in my reply to the hon. Member's Question of 30th April.† Sergeant Miller, who is in charge of the hut, has had twenty-one years' service, and is about to retire on pension upon the ground of ill-health. I am informed that there is no foundation for the suggestion in the latter part of the Question, and that no complaint whatever has been made to that effect.

Clerks of Irish Poor Law Unions.

CAPTAIN CRAIG (Down, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Local Government Board in Ireland has any control over the clerks of unions appointed by Poor Law guardians; and whether under the rules and practices it is com-

petent to a board of guardians to appoint an uncertificated bankrupt.

(Answered by Mr. Bryce.) Under Article IV. of the Statutory Rules and Orders, 1901 (No. 621), clerks of unions are appointed by boards of guardians, subject to the approval of the Local Government Board. There is no statutory provision against the appointment of an uncertificated bankrupt, but before the Local Government Board give their approval to any appointment they fully consider all the facts and circumstances of the case.

Uneconomic Holdings on the Malone Estate.

MR. GINNELL (Westmeath, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he is aware that, on his own suggestion, followed by the request of the Estates Commissioners, a statement on behalf of twenty-nine occupants of holdings under £5 valuation on the Malone estate, twenty-one occupants of holdings larger but still uneconomic, and twenty men with no holdings, has been lodged with the Commissioners, praying them to verify by inspection these and other facts in the statement, and, in conformity with the Blake-Foster case, to refuse to sanction the sale unless the non-residential grass farms were sold for distribution; and if he will take steps to prevent the Act of 1903 being used to create a monopoly of land in the hands of two graziers to the detriment of these sixty poor families.

MR. GINNELL: To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will ascertain why the Estates Commissioners propose to declare the congested portion of Colonel Malone's Baronstown property an estate, while excluding from it two grass farms which the grazier is not entitled to purchase under the Land Act of 1903, which are required for the relief of the congestion, and which would be surrendered for that purpose if the Commissioners refused to sanction the sale without them.

MR. GINNELL: To ask the Chief Secretary to the Lord-Lieutenant of

†See (4) *Debates*, clvi., 254-5.

Ireland, having regard to the fact that Colonel Malone's Baronstown estate was inspected before the present instructions for inspectors were drawn up, that consequently the inspection and report were not such as those instructions require, and did not include congestion or the material for relief of it, though both exist on the estate, that the Commissioners have been obliged to modify their original proposals based upon that Report, and that all the tenants, except two graziers, desire a fresh inspection to be made with special regard to congestion and the relief of it, will he ask the Commissioners to accede to this request.

MR. GINNELL: To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he is aware that all the grass farms on Colonel Malone's estate, which the tenants want distributed, are non-residential and wholly untitled; that the graziers have never used them otherwise than as grass farms, and hold several similar grass farms besides large residential farms, and would probably surrender the farms in question for distribution among their poor neighbours if asked by the Commissioners; and will the Commissioners communicate with them with that object.

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that they have received, through the hon. Member, the statement referred to in the first Question, and have informed him in reply that, as regards the two holdings which are described in the Question as non-residential grass farms, one is excluded from the estate which is being sold, and an advance of £3,000 only is being sanctioned for the other holding, which is subject to a judicial tenancy. The Commissioners proceeded to say that they were of opinion that they should not refuse to declare the remaining holdings to be an estate because the excluded holdings are not surrendered for division, and they have no power to compel such surrender. I have fully dealt with the matters referred to in the three remaining Questions in my Answers to the numerous Questions on the subject which the hon. Member has already put. I have stated, on the Commissioners' authority, that the grass

farms on the estate do not consist of untenanted land. They are held on yearly tenancies or under lease, and the Commissioners hold that they have no power to compel such farms to be sold to them as untenanted land. The Commissioners have already had an inspection made of the estate, and do not consider any further inspection to be necessary. The declaration of particular lands as an estate is a matter solely for the judicial discretion of the Estates Commissioners, and it does not fall within the province of the Government to direct or advise the Commissioners as to the manner in which such judicial discretion is exercised.

Irish Evicted Tenants—Application of Thomas Prior.

MR. THOMAS F. SMYTH (Leitrim, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if an application for reinstatement has been received from Thomas Prior, Lisecroty, Garradice, county Leitrim, who was evicted from his holding in the townland of Stroke, in the vicinity of Ballinamore, county Leitrim; and, if so, what action will be taken in the matter, considering that the inspector who visited that district recently had the name of Mrs. Prior, who is sister-in-law to Thomas Prior, on his books, whereas Thomas Prior was tenant formerly, and his brother, now deceased, being only sub tenant to him.

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that they have received a joint application for reinstatement from Thomas and Sarah Prior, but cannot trace the receipt of a separate application from Thomas Prior. The case has been referred to an inspector for inquiry, and until his Report has been received and considered the Commissioners are unable to say what action they may take in the matter.

Application of Mr. M. Buckley of Faha.

MR. MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners have fully inquired into the application for reinstatement of Mr. Morty Buckley, of Faha, county Kerry, on the Morrogh Bernard estate; whether

they are aware that pressure is being used to force him to give up a portion of his claim; and whether they will refuse their sanction to the sale of the estate until his claim and that of the other evicted tenants is dealt with satisfactorily.

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that they have received their inspector's Report upon the application in question, but no agreement has yet been arrived at as to the price of the evicted holding, and the negotiations are still pending. The Commissioners have no knowledge of the alleged pressure brought to bear on Mr. Buckley. They are unable at present to say what action they may take as to sanctioning the sale of the estate. The matter is still under their consideration.

Construction of Pier at Clifden, Connemara.

MR. O'MALLEY ((Galway, Connemara): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether, in view of the promises given by successive Chief Secretaries since the passing of the Marine Works Act of 1902, that a sum of £3,000 was to be expended on a pier at Clifden, Connemara, and, in view of the rates already weighing heavily on the poor people of the Clifden union, now actually threatened with distress, consequent on the failure of the potato crop, he will consider the advisability of withdrawing the condition made for the construction of this pier by the Irish Government, viz., that a sum of £2,000 be subscribed out of the rates to supplement the proposed grant.

(*Answered by Mr. Bryce.*) As I indicated in my reply to the hon. Member's Question of 5th December,† the Irish Government are desirous of making a grant from the Marine Works Fund for the construction of a pier at Clifden; but, under the Act, such a grant is conditional on the Treasury being satisfied that reasonable assistance in the provision of ancillary works is given by the local authorities. Upon this point the Government are awaiting the reply of the county council to the communication addressed to them on 31st October.

† See (4) *Debates*, clxvi., 932.

Distribution of School Fees in Model Schools.

MR. T. HARRINGTON (Dublin Harbour): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the school fees earned by the teachers in model schools are distributed to teachers who earn no such fees; and whether it is the National Board or the Treasury who are responsible for the present mode of distribution.

(*Answered by Mr. Bryce.*) The school fees received from the pupils of model schools are distributed among the head teachers and assistants of all model schools according to a scheme of distribution, which I find was fully explained by my predecessor in answer to a Question on 3rd July, 1905.† The Commissioners of National Education inform me that in the case of one model school the teachers partake in the general distribution though no fees are received in that particular school. The scheme of distribution was arranged by the Commissioners with the approval of the Treasury.

Police and Evicted Tenants at Abbeyfeale.

MR. O'SHAUGHNESSY (Limerick, W.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that two policemen, stationed at Abbeyfeale, in the county of Limerick, have taken two houses in the town from which the former tenants were evicted, and that this action on the part of the police in interfering in a dispute between the landlord and his tenants will create disturbance in the district; and whether, in the circumstances, he will take such steps as will cause the police to surrender these houses.

(*Answered by Mr. Bryce.*) I am informed by the police authorities that a police sergeant, who was recently transferred to Abbeyfeale, has taken a house in the village from which, more than two years ago, a tenant, since deceased, was ejected for non-payment of rent. The house has since remained vacant. Three other policemen occupy houses belonging to the same landlord; but in none of these cases had the previous tenant been evicted. I am informed

† See (4) *Debates*, cxlviii., 745

that no dispute between the landlord and his tenants has arisen in connection with the particular ejection referred to; but in any case the matter would not appear to be one for any interference on the part of the Government.

Erection of Barracks at Windsor.

MR. J. F. MASON (Windsor): To ask the Secretary of State for War whether it is proposed to proceed with the erection of barracks on the site lately acquired by the War Office adjoining the Victoria Barracks at Windsor.

(Answered by Mr. Secretary Haldane.) The Answer is in the affirmative, but the details are not yet definitely settled.

Offer of Cavalry Training Ground in Scotland.

MAJOR ANSTRUTHER-GRAY (St. Andrew's Burghs): To ask the Secretary of State for War if he will state what answer was given to the offer of a park and twenty miles of country for cavalry to drill and manœuvre over in Scotland, free of cost or charge, this year; and also whether any other offers of a like nature were made.

MAJOR ANSTRUTHER-GRAY: To ask the Secretary of State for War if he will state whether any offers of training ground for cavalry in Scotland for the ensuing year have been made; and whether he will give the names of the offerers.

MAJOR ANSTRUTHER-GRAY: To ask the Secretary of State for War what offers have been made by the Duke of Atholl and other landowners with regard to the temporary provision of a training ground for cavalry in Scotland.

(Answered by Mr. Secretary Haldane.) I will answer these Questions together. It has been brought to my notice in connection with the Questions put by the hon. and gallant Member that an offer on behalf of the Duke of Atholl has been made verbally to the General Officer Commanding-in-Chief. The offer, I understand, is of facilities for training cavalry over an extent of the Duke's property, and I hope that if

the offer be renewed it may be accepted for next training season. Lord Lovat has also made a similar offer, and Lords Home and Wemyss have offered facilities for Militia and Volunteers respectively. It is perhaps needless for me to emphasise the sense of gratitude with which the Army Council have received those patriotic offers of much needed assistance.

Home Government and Australian Legislation.

MR. HARMOOD-BANNER (Liverpool, Everton): To ask the Under-Secretary of State for the Colonies whether the Governor-General of the Commonwealth of Australia communicated with the Home Government prior to declaring his assent to The Australian Industries Preservation Act, 1906; and whether, in view of the effect of the provisions of this Act upon the interests of traders, manufacturers, shipowners, and others in the United Kingdom carrying on, or seeking to carry on, business with persons in the Commonwealth, he can undertake that, in the future, the provisions of proposed laws passed by the Commonwealth Parliament, which appear likely materially to affect the trade interests of the United Kingdom, shall not receive the assent of the Governor-General until an opportunity has been taken by the Home Government to elicit the opinions of the commercial community in this country upon the probable effect on their interests of such proposed legislation.

(Answered by Mr. Churchill.) The Governor-General did not consult the Secretary of State before assenting to The Australian Industries Preservation Act, 1906, and he was not required under his instructions to do so. The Secretary of State cannot possibly give the undertaking suggested by the hon. Member, as any such instruction to the Governor-General would be incompatible with the principles of responsible government under the constitution of the Commonwealth.

Position of Clerks to Surveyors of Taxes.

MR. MACVEAGH (Down, S.): To ask the Secretary to the Treasury whether, in view of the fact that clerks to surveyors of taxes are not in the

service of the Board of Inland Revenue, he can say why the inspectors of such Board give these clerks orders when on inspection; and whether he will state if these clerks are supposed to take orders from servants of the Board, in view of the fact that they are personal clerks of the surveyors.

(Answered by Mr. McKenna.) There may be cases in which an inspector finds that the work in a surveyor's office is not being properly done, and it is then his duty to draw attention thereto. The fact that a clerk in the office is not directly in the service of the Board does not preclude the inspector from giving instructions as to the proper methods of conducting business.

Treatment of Temporary Clerks in Ireland.

MR. J. P. NANNETTI (Dublin, College Green): To ask the Secretary to the Treasury whether he has been fully informed as to the treatment of three of the temporary clerks appointed as abstractors in Ireland since November 1902; whether he is aware that the deduction of 10 per cent. in the case, at least, of two of the clerks whose salaries were reduced was specifically enforced for pension purposes; will he explain why it is now sought to imply that the reductions were due to considerations of merit; if he will state what provision, if any, was made for superannuation of the four temporary clerks whose salaries were not reduced on appointment; if he is aware that these four clerks were appointed abstractors subsequent to the date of the appointment of the three whose salaries were reduced; if he is aware that the salaries of those who suffered a reduction were already less than the salaries of those who suffered no reduction; and if, considering the small number affected, he will adjust their salaries and refund a deduction which is unprecedented and has not since been enforced.

(Answered by Mr. McKenna.) I do not think I can with advantage add anything to the Answer I gave to the hon. Member for the Connemara Division of Galway of the 23rd ultimo.†

Women Clerks and Typists on Royal Commission Work.

MR. CHIOZZA MONEY: To ask the Secretary to the Treasury if he will give the number of women clerks or typists employed in connection with Royal Commissions, and paid out of public funds, during the present year; what rate or rates of wages have been or are paid them per day, per week, and for overtime; whether they are engaged and paid directly or through the agency of typewriting offices; and, in the latter case, will he state the names of the contractors.

(Answered by Mr. McKenna.) The usual practice is to place an allowance for clerical assistance at the disposal of the secretary to a Royal Commission, the amount of the allowance depending on the nature and amount of the work required for the Commission. The persons employed under this allowance are engaged by the secretary and their rates of remuneration are fixed by him. According to the latest accounts rendered by the Commissions, the number of women clerks and typists employed appears to be ten, at rates of pay ranging from £1 1s. to £2 a week. I may add that claims for overtime on the part of the staff of temporary Commissions are not recognised, except under very exceptional circumstances.

Position of Senior Assistant Clerks at Board of Education, South Kensington.

MR. THORNTON (Clapham): To ask the President of the Board of Education whether he is aware that among the senior assistant clerks in the Education Department at South Kensington, there are certain of them of long service who have reached the maximum salary of their class, £150 per annum; that they have appealed for an improvement in their positions and have been informed that the only means open is by promotion to the second division as opportunity offers; whether the Treasury have recently refused to sanction a recommendation from the Department to promote certain senior assistant clerks to the second division and what prospect is before these men; and whether any encouragement can be offered them by conceding personal

† See (4) *Debates* clxv., 1193-4.

allowances of the same nature as already sanctioned by the Treasury in the Department.

(*Answered by Mr. Birrell.*) The various statements in the Question give, I think, a somewhat misleading impression of what has happened. It appears that the number of assistant clerks who have in recent years been promoted, in the South Kensington branch of the Board's offices, into the second division is very high in proportion to the men taken into the second division by open competition, and certain proposals made by the Board of Education this year for promotions of this kind were on this ground not accepted by the Treasury. In reply to the last paragraph of the Question, the few additions of salary, to which, I presume, the hon. Member's Question refers, were granted by special Treasury sanction, in recognition of special duties performed by certain assistant clerks. There are not at the present time any other duties of such a special nature as would justify the payment of further additional sums of the like kind to any of the assistant clerks in question.

Allowances for School Repairs—Cloak Rooms and Out Offices.

MR. MURPHY: To ask the President of the Board of Education whether cloak rooms and out offices are excluded in the calculation of allowances for repairs under any circumstances; and, if so, can he provide any arrangement for their inclusion seeing that they are a necessary portion of the school premises.

(*Answered by Mr. Birrell.*) In matters such as those referred to in the Question, which are likely to come before the Board of Education for judicial determination in particular cases on appeals under Section 7 (3) of The Education Act, 1902, it is highly undesirable to make any general pronouncement. With regard to the last paragraph of the Question, I have no power to provide any arrangement which would be contrary to law.

Consular Reports.

MR. YOXALL (Nottingham, W.): To ask the President of the Board of Trade if he can state what new arrangements are being made, or are to be made, for editing, issuing, and circulating Consular Reports on the condition of trade abroad.

(*Answered by Mr. Lloyd-George.*) It has been arranged that the Board of Trade shall co-operate with the Foreign Office from the beginning of next year in the editing of the Annual Consular Reports. Every effort will be made to expedite their issue as far as possible. I may add that Consular Officers have been instructed by the Foreign Office to report at once (using the telegraph where necessary) any matters of immediate commercial importance which may come to their knowledge, and information received in pursuance of this instruction will either be communicated direct to those whose interests are concerned or utilised in the weekly Board of Trade Journal.

Kensal Rise Station—Dangerous Platform.

MR. GIBB (Middlesex, Harrow): To ask the President of the Board of Trade whether his attention has been drawn to the danger to passengers at the Kensal Rise station arising from the difference of level between the platforms and the floor of the railway carriages; and whether he can do anything to have the danger removed.

(*Answered by Mr. Lloyd-George.*) The Board of Trade have been in correspondence with the London and North Western Railway Company on this subject for some time past, and they were informed by the company on the 29th ultimo that materials for the raising of the platforms had been ordered, and that the work would be commenced as soon as these were received.

Allowance to Abstainers in the Navy in lieu of Rum Rations.

MR. MICKLEM (Hertfordshire, Watford): To ask the Secretary to the

Admiralty whether it is the practice to pay to abstainers in the Navy a sum of 1s. 6d. per month in lieu of the ordinary rum rations; and whether, with a view to promoting temperance in the Navy, he will consider the desirability of increasing such payment to 2d. a day or 5s. a month.

(Answered by Mr. Edmund Robertson.)

It is the practice to pay men on the temperance list in His Majesty's ships and establishments a commuted money allowance of 1s. 5d. a month in lieu of spirit. The question whether any change in the existing arrangements is desirable with the view of promoting temperance is at present under the consideration of the Committee which is dealing with canteen and victualling arrangements generally. It may be added that the particular change advocated by the hon. Member would involve an extra expense of over £30,000 a year, with a proportionate increase for every additional man placed on the temperance list by means of these incentives.

Closing of the Minch to Trawlers.

MR. WEIR (Ross and Cromarty): To ask the Secretary for Scotland whether the law officers of the land are now of opinion that the Minch can be closed against trawlers without the consent of the signatories to the North Sea Convention; and, if not, will he consider the expediency of urging the Foreign Office to communicate with the signatories to the Convention.

(Answered by Mr. Sinclair.) The reply to the first part of the Question is in the negative. With regard to the second part I am unable to give any such undertaking as is desired.

Loans to Small Holders in Scotland.

MR. WEIR: To ask the Secretary for Scotland, having regard to the fact that the vast majority of the 20,839 agricultural holdings in the Highland crofting counties with rentals not in excess of £30 were brought into cultivation and the buildings erected by the tenants or their forefathers without any expense whatever to the landlords, will he consider the expediency of arranging for tenants of this class to have a first claim for loans under the

Small Landholders (Scotland) Bill, for the purpose of improving or rebuilding the houses on their holdings.

(Answered by Mr. Sinclair.) The subject of loans will, no doubt, require consideration; and I can, at present give no further indication of policy in regard to it.

Increase of Salary for Poplar Out-door Medical Officers.

MR. KENDAL O'BRIEN (Tipperary, Mid.): To ask the President of the Local Government Board whether he is aware of the recommendation of the Poplar Guardians, dated October last, as to the increase of the salaries of their out-door medical officers; whether this recommendation has been replied to; and, seeing that in one instance at least the work of the medical officer has been trebled during the last seven years, and that this officer is receiving, at present, less salary than was then paid, does he propose to take any action in the matter.

(Answered by Mr. John Burns.) The Local Government Board have before them the proposal referred to, and a communication on the subject will be sent to the guardians in the course of a few days.

Duties of Clerks to Surveyors of Taxes in Ireland.

MR. FETHERSTONHAUGH (Fermanagh, N.): To ask Mr. Chancellor of the Exchequer if he is aware that the work of copying the assessments under Schedules D and E for income-tax purposes in Ireland, and making out the notices of assessment to be sent to the income-taxpayers, is done by the clerks of the surveyors of taxes who are not civil servants; do they also file and record the income-tax returns rendered by the public; is he aware that such clerks deal with and report on applications in Form 48; and, when they are employed in so doing, will he say whether steps are taken to keep from them the details of the income of the persons making application on Form 48.

(Answered by Mr. Asquith.) The Answer to the first two Questions is in

the affirmative. Form 48 is a form used for communication between one surveyor and another. The duties of the clerks in connection with this form are of a purely routine character. On the general question of the extent to which the clerks have access to documents of a confidential character and the policy of the Board of Inland Revenue in the matter, I cannot add anything to the reply given by my hon. friend the Secretary to the Treasury to a Question by the hon. Member on the 14th November last.†

Distribution of State Patronage in India.

MR. HAROLD COX (Preston): To ask the Secretary of State for India whether, in view of the repeated allegations regarding the unequal distribution of State patronage between the different communities of India, he will call for a comparative return of officers in the service of the State in the gazetted and non-gazetted appointments above the menial grades in the two provinces of Bengal, in the Punjab, Sind, and the Madras Presidency.

(Answered by Mr. Secretary Morley.)

The statistics required up to 1904 were published in the *Gazette of India* in May of that year. A copy of the *Gazette* will be found in the Library of the House.

Dismissal of Trimbak Paranjpi.

SIR W. EVANS - GORDON (Tower Hamlets, Stepney): To ask the Secretary of State for India whether his attention has been drawn to the sudden dismissal, after twenty-nine years of approved service, of Trimbak Ganesh Paranjpi, extra assistant commissioner and magistrate of the first class in the Central Provinces of India; whether Paranjpi was suspended by telegraphic orders, and publicly disgraced for several months, on the statement of a man who subsequently denied ever having made it, and which was eventually found to be untrue; whether he is aware that Paranjpi was refused copies of important documents used against him and even the names of his accusers; whether, considering that Paranjpi was a gazetted officer in the Provincial Indian Service, and as such, before being dismissed, was entitled, under Section 2 of Act XXXVII. of 1850 of the Indian Legislature to a

formal and public inquiry, he will satisfy himself whether such an inquiry was held before Paranjpi was deprived of his livelihood and sent adrift in his old age; and whether, if satisfied that no such public inquiry was made, he will direct that such an inquiry be instituted.

(Answered by Mr. Secretary Morley.)

This case has been carefully investigated only a month or two ago in connection with a memorial addressed to the Secretary of State by Mr. Paranjpi. That officer was suspended by the Chief Commissioner in September, 1902, in consequence of an investigation into his conduct with reference to the acquisition of certain lands in Berar. On the matter being reported to them, the Government of India did not consider that the case called for an inquiry under Act XXXVII. of 1850, but they ordered a statement of charges to be framed and a formal investigation to be made into them under the procedure laid down in 1879. This was done, and, after careful consideration of the evidence in the case, the Chief Commissioner was of opinion that the charges were substantiated, and he recommended that Mr. Paranjpi should be dismissed from the service of the Government. In his opinion and recommendation the Government of India concurred. Mr. Paranjpi has had every opportunity of meeting the charges made against him and has failed to do so. I have therefore, informed the Government of India that I see no reason for interfering with their orders in the matter.

The Vizangam-Malia Railway.

MR. WEIR: To ask the Secretary of State for India whether he has received a memorial from the Cutchi public of Bombay, urging that the proposed Vizangam-Malia railway line should pass through the territory of the Rao of Cutch; has the Report on the reconnaissance of the two alternative routes yet been received; and, if so, will he state when a decision as to the route to be adopted is likely to be arrived at.

(Answered by Mr. Secretary Morley.)

The memorial referred to has not yet been received through the Government of India, not have I yet received the

† See (4) *Debates* clxiv., 1475.

Report on the reconnaissance of the alternative routes.

Loan to Portrush Harbour Company.

MR. GLENDINNING (Antrim, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he is aware that the Portrush Harbour Company have made application to the Irish Government for a loan of £5,000 to enable them to carry out the necessary works at the harbour for the accommodation of the passenger traffic from Ardrossan to Portrush; that the harbour has been kept open for many years for the public convenience by the directors of the company personally guaranteeing loans for dredging purposes; that the Glasgow and Londonderry Steamship Company are prepared to put on a fast passenger steamer, capable of doing the double trip in one day, if the harbour accommodation is made suitable; and having regard to the advantage to Portrush and the North of Ireland of the passenger traffic from Scotland, if the Government will facilitate the company in obtaining the loan.

(*Answered by Mr. Bryce.*) The Portrush Harbour Company have applied to the Irish Government for assistance in obtaining a loan of £6,000 to pay off existing liabilities and effect improvements upon the harbour. I believe there is good reason to expect that a much better steamboat service with a Scotch port will be provided if an adequate improvement of the pier is made. The Irish Government are at present in communication with the Public Works Loan Board with the object, if possible, of aiding the harbour company in their efforts to obtain a loan, the object being one which they deem desirable in the interests of Portrush and the neighbourhood.

Labourers Cottages in the Tarbert Division.

MR. FLAVIN (Kerry, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can say how many labourers' cottages are proposed to be built and how many contracted for in the Tarbert electoral division (North Kerry) under the last

scheme proposed by the Listowel Rural District Council.

(*Answered by Mr. Bryce.*) The erection of seven labourers' cottages in the Tarbert electoral division was authorised by Order of the Local Government Board issued in 1905. The Board understand from the clerk of the rural district council that no contract has yet been made in respect of these seven cottages. The reason as regards six of the sites is that the land is being sold under the Land Purchase Acts, but has not yet been vested in the purchaser. The owner's title, therefore, is not legally established. The seventh case is to be included in the next contract.

Sale of the Garvagh Estate, East Cavan.

(**MR. SAMUEL YOUNG** (Cavan, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland, whether he can say if the sale of the Garvagh estate in East Cavan is yet completed; if not, what is the cause of the delay; what steps are being taken in connection with the reinstatement of evicted tenants; and can more than one year's rent be added to the purchase money.

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that the originating application for the sale of this estate was lodged with them in January last, and the case has not yet reached its turn to be dealt with. The applications of the evicted tenants have been referred to an inspector for inquiry. It has recently been judicially decided that one year's arrears of rent, and no more, may be added to the purchase money; but the Commissioners understand that an appeal from that decision is to be taken.

Sale of Holdings on the Crosbie Estate, North Kerry.

MR. FLAVIN: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether representations to the Estates Commissioners have been made by Mr. James Murphy, solicitor, Tralee, in letters dated 9th December, 1904, and 24th January, 1905, on behalf of Messrs. John Egan, Michael Fitzgerald, Garnett Fitzgerald, and John O'Donnell, tenants

on the estate of Lindsay Talbot Crosbie, of Ardfert, North Kerry, asking that the sale of their holdings to them should not be sanctioned until an inspector visits their land in connection with the flooding thereof; if so, whether the inspector has visited the farms; and, if so, with what result.

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that they received communications from Mr. Murphy to the effect stated in the Question, and caused their inspector to visit the holding and report to them upon the matter. The Commissioners have since been in communication with the vendor upon the subject, but have not yet arrived at a final decision.

Relations at Corry No. 2 National School, Belfast.

MR. MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland if the Commissioners of National Education can state the number of years that the Rev. James Dewar has been manager of Corry No. 2 National School, Belfast, of which his sister is teacher, in violation of the rules of the Commissioners; whether Mr. E. P. Dewar is still senior inspector of the circuit in which the school is; and what steps the Commissioners propose to take to secure the observance of their rules.

(*Answered by Mr. Bryce.*) The Commissioners of National Education inform me that the Rev. J. Dewar has been manager of the school mentioned for the past twenty-five years. Mr. E. P. Dewar is still senior inspector of the circuit in which the school is situated. The Commissioners have written to the Rev. Mr. Dewar informing him that the arrangement by which he is the manager of the national school of which his sister is the teacher must cease forthwith.

Qualifications for Irish Schools Junior Inspectors.

MR. MURPHY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland what qualifications the Commissioners of National Education require of candidates outside the ranks of national teachers in the contemplated

appointment of four junior inspectors; and what steps do they intend taking to insure that such candidates will have practical experience of the work which they will be called upon to superintend and administer.

(*Answered by Mr. Bryce.*) The Commissioners of National Education inform me that they consider a sound general education and scholastic experience to be desirable in candidates for junior inspectorships. When the Commissioners have the full list of candidates before them they will select for appointment those whom they consider most suitable, and, if necessary, will submit them to such tests as may be required to prove their efficiency.

QUESTIONS IN THE HOUSE.

The Disturbances at Portsmouth—Admiralty Minute.

MR. CATHCART WASON (Orkney and Shetland) asked the Secretary to the Admiralty a Question of which he had given private notice—whether there was any justification or precedent for the disciplinary order “On the knee” given to Stoker Moody.

*THE SECRETARY TO THE ADMIRALTY (MR. EDMUND ROBERTSON, Dundee): I will read the substance of the Admiralty minute on the subject. To prevent misapprehension I must premise that Stoker Moody was not charged with refusing to obey the “On the knee” order, but with having on two occasions incited others to take part in disturbances.

MR. WILLIAM REDMOND (Clare, E.): Did not the disturbances occur after the order “On the knee” was given?

*MR. EDMUND ROBERTSON: The Minute will show. The minute says:—

“My Lords Commissioners of the Admiralty have reviewed the circumstances and considered the evidence adduced by the Court-martial in connection with the disturbances at the Royal Naval Barracks, Portsmouth, on 4th and 5th November, 1906, and have come to the following conclusions and decisions:—I. It is established by the evidence that the first disturbance (on 4th November) partook of the nature of an unpremeditated outbreak, to which the following causes appear to have

contributed—(1) a feeling of resentment on the part of the stokers caused by the misuse of the drill order "On the knee"; (2) the retention of the stokers on parade on the Sunday afternoon during rain, and the subsequent want of judgment shown in dealing with them; (3) the want of proper supervision and control in the canteen. II. The second disturbance (on Monday, 5th November) was of a more serious nature, inasmuch as a contemporaneous riot on the part of civilians and other persons took place immediately outside the barracks. This disturbance would not have occurred had those in authority taken precautionary measures to prevent a recurrence of the disorder of the previous day. No such measures were taken. III. Their Lordships are compelled with extreme regret to express their conviction that Commodore the Hon. Walter G. Stopford failed to deal with the disturbances with firmness and resource; they have, therefore, decided to relieve him in his appointment. Commander Sidney R. Drury-Lowe, as second-in-command of the barracks, has failed in the performance of his duties as executive officer, and will be superseded. Commander Francis H. Mitchell (commander for gunnery duties failed) to exercise proper supervision by allowing a drill order to be used for other than drill purposes, and he will be relieved in his appointment. Lieutenant B. St. G. Collard has been tried by Court-martial and convicted of an act to the prejudice of good order and naval discipline, and the sentence of reprimand has been noted. IV. In reviewing the proceedings and sentences of the Courts-martial held on the eleven stokers, their Lordships are legally advised that the charges were in order, and with the one exception of Stoker James Day the proceedings regular, and the sentences within the powers of the Court. In consideration of all the circumstances, and also of the evidence given at the subsequent Courts-martial, they have, however, decided in the case of First-class Stoker Moody to modify the sentence by reducing it from five years to three years' penal servitude. They have also decided, having regard to the fact that one of the three charges against Stoker Day was not clearly proved, to remit six months of the imprisonment awarded. V. Directions have been given for general guidance that the drill order 'On the knee' is not to be used for other than drill purposes."

MR. KEIR HARDIE (Merthyr Tydvil) subsequently asked the Prime Minister whether, in view of the widespread feeling on the subject, steps would be taken to have the undue sentence imposed on Stoker Moody reduced.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs) said he understood a sentence of three years imprisonment was regarded as much lighter than one of two years imprisonment with hard labour, or even than one of simple imprisonment for two

years. But at any rate sentences of this kind were subject to revision by the authorities after a certain time, and that opened up the possibility, at any rate, of a more lenient term.

Dockyard Reports.

MR. BOWERMAN (Deptford): I beg to ask the Secretary to the Admiralty whether he has received the Report of the Committee which recently visited the mechanics' training establishment at Devonport, the cadets' training establishments at Dartmouth and Osborne, and the boy artificers' establishments at Portsmouth and Chatham; and, if so, if he will state the nature of such Reports, and lay them upon the Table of the House for the information of Members.

MR. EDMUND ROBERTSON: Four hon. Members who are specially interested in questions of mechanical training and general education in the Navy, at the invitation of the Admiralty, visited the Royal Naval College at Dartmouth and the training establishments at Devonport and Portsmouth. They did not form a Committee and had no reference, and it is not proposed to publish the private notes and suggestions which they subsequently sent to me.

The Artillery Volunteers.

SIR HOWARD VINCENT (Sheffield, Central): I beg to ask the Secretary of State for War if he can name a definite day when the armed impotence of the Artillery Volunteers of Great Britain, referred to by the last Liberal Prime Minister, shall cease.

THE SECRETARY OF STATE FOR WAR (Mr. HALDANE, Haddington): I am afraid that I cannot fix a date for this desirable consummation, but the hon. and gallant Member may rest assured that I will do all in my power to accelerate it as much as possible.

Distinctive Marks for Officers.

SIR HOWARD VINCENT: I beg to ask the Secretary of State for War if, having regard to the official circular of Field-Marshal Earl Roberts when commanding-in-chief in South Africa, dated 5th February 1900, urging that the extended formation of modern war made it highly desirable that officers should wear some distinguishing mark on the

back of the collar so as to be recognisable by their own generals and men, and to the fact that this view is supported by distinguished officers from active experience, the War Office direction of 30th November, 1906, that the flash allowed to the officers, warrant officers, and staff sergeants of the Royal Welsh Fusiliers on their service dress for distinguished services should be cut off, may be reconsidered, bearing in mind that the public is put to no expense in the matter, and in view of the interest of the Welsh people in this distinction.

MR. HALDANE: The "flash" peculiar to the Royal Welsh Fusiliers has never been allowed on the service dress. It is authorised for wear with the tunic only. As soon as this addition to the service dress of the officers, warrant officers, and staff sergeants was brought to notice, instructions were issued for its discontinuance. It is not proposed to reconsider these instructions, the main principle underlying the use of service dress being that it should be universal, and as plain and inconspicuous as possible. No distinctive mark on the back of the collar was adopted either during the Boer war, or when the present dress was approved while Lord Roberts was Commander-in-Chief. In no foreign army is such a distinctive mark worn on the back.

SIR HOWARD VINCENT: Is the right hon. Gentleman aware that in 1834 it was officially directed that this badge be worn, and in view of the feeling which prevails on this subject in the principality of Wales will he reconsider the matter.

MR. HALDANE: In the days of King William IV. there was no smokeless powder. War is carried on under very different conditions in modern days.

SIR HOWARD VINCENT: But the badge is to be worn behind the collar not in front.

MR. HALDANE: That is quite true. But it is extremely undesirable to establish any distinctions. We now seek to secure simplicity.

SIR HOWARD VINCENT: Do you intend then to take away the kilts from the Scottish regiments?

MR. HALDANE: I have heard nothing as to that.

Tidworth Barracks.

*MR. BURDETT-COUTTS (Westminster): I beg to ask the Secretary of State for War, whether the Tidworth barracks are at present occupied, as to the five blocks already utilised, by about 3,000 officers and men together with their wives and families, numbering between 600 and 700 women and children; whether these numbers will soon be increased by the occupation of the three remaining blocks; and whether, in view of the fact that there is no hospital, no school, and no church or chapel available for this large population, and that these requirements were provided for in the original scheme of the late Government, he will, in view of the remote and lonely position of this new permanent military establishment state what steps the Government propose to take to supply these deficiencies in the interest of the material and moral welfare of the Army.

MR. HALDANE: The numbers of the occupants of these barracks are approximately those stated. Five blocks are occupied, and two more blocks when occupied will increase the garrison roughly to 6,500. As regards the hospital accommodation both temporary and permanent, I would refer the hon. Member to the replies I gave to the hon. and gallant Member for the Andover Division of Hampshire on the 6th ultimo and the 5th instant† to the effect that a scheme for hospital accommodation has been approved and the plans are being pressed forward to enable the work to be commenced early next year. The general officer commanding is utilising spare barrack rooms for schools pending the provision of suitable buildings. No funds are at present available for erecting a church there.

*MR. BURDETT-COUTTS: May I ask the right hon. Gentleman whether in his opinion the provision of rooms in a barrack not constructed for the purpose is tantamount to providing a satisfactory

† See (4) *Debates*, clxiv. 320; clxvi., 938.

hospital; secondly, whether similar accommodation for a large number of children constitutes a satisfactory school; and thirdly, whether he has quite come to the determination that no place of worship of any kind shall be provided for this large population in a permanent military establishment? Also whether this state of things is consistent with the policy indicated by the right hon. Gentleman's recent appointment of a large Committee to look after the spiritual and moral welfare of the Army?

MR. HALDANE: Everything is quite consistent. We are building a special hospital, the schools can be easily provided in the spare barracks, while as to the church the troops are now worshipping in a hall, which I admit has not had much decoration.

*MR. BURDETT-COUTTS: Are not these parade services, and are women and children allowed to attend them?

MR. HALDANE: There is sufficient accommodation for the purpose, although I do not say it is very gorgeous. In order of urgency, however, the hospital stands first, the schools second, and the military church third, and they will be dealt with accordingly.

The Scots Greys.

MR. WALTER LONG (Dublin, S.): I beg to ask the Secretary of State for War how many men of the Scots Greys are recruited from Scotland; and if the presence of English and Irish recruits is due to the linked-regiment system, under which recruits are taken in England and Ireland for the corps of Dragoons, some of whom go to the Scots Greys, where they remain until drafts are called for for the 1st Royal Dragoons.

MR. HALDANE: Out of an establishment of 687 non-commissioned officers and men there are now 504 non-commissioned officers and men serving in this regiment who were enlisted in Scotland. Recruits for the Royal Dragoons are in the first instance posted to the Scots Greys and remain with them until sent out as drafts. Recruits for the Scots Greys, are only taken from other commands than the Scottish when the supply from the latter source is inadequate.

Piershill Barracks.

MR. WATT (Glasgow, College): I beg to ask the Secretary of State for War whether the removal of the Scots Greys from Scotland is to be attributed to the insanitary condition of Piershill Barracks, or to consideration of Army efficiency.

MR. HALDANE: As I informed my hon. friend the Member for the Kirkcaldy Boroughs, on the 6th instant,† the withdrawal of this regiment from Piershill is due to the unsuitable character, for such a unit, of those barracks. Apart from the defects in sanitation shown in the Reports lately laid on the Table of the House (Cd. 2996), they are too small to accommodate a cavalry regiment.

MR. WALTER LONG asked whether, having regard to the statements which appeared in the newspapers on Saturday as to the insanitary condition of these barracks, the right hon. Gentleman had satisfied himself that there was no risk to the health of either officers or men from the regiment's being retained there until he was able to make other arrangements.

MR. HALDANE: We will move them from insanitary quarters as quickly as possible. We think there is no substantial risk. We do not like retaining any regiment in barracks in the condition in which Piershill barracks are.

The Coldstream Guards—Deaths at Caterham.

MR. LUPTON (Lincolnshire, Sleaford): I beg to ask the Secretary of State for War if he is aware that Frederick Henry Geall, of Eastbourne, a new recruit, joined the Coldstream Guards at Caterham, Surrey; that a few days after joining the Army he died on 13th November, 1906; and that the death certificate gave the causes of death as septicæmia (three days), heart failure and septic tonsilitis; will he say if this recruit had been examined and found healthy and fit for service, and if upon joining he was vaccinated; if so, will he say who performed the operation and from where the vaccine matter was obtained; if any cause for the septicæmia has been ascertained, other than vaccination; and if the vaccine used in this

† See (4) *Debates*, clxvi., 1172.

case was matter derived from a diseased calf, and such as often contains flesh-destroying cocci.

I beg also to ask the Secretary of State for War if his attention has been called to the death of Private Alfred Percy Morriss, at Caterham, on the 23rd November, who was a fine healthy man only just enlisted in the Guards, who was vaccinated and died shortly afterwards, with symptoms similar to those of Private Geall, who was certified to have died of blood poisoning; and will he investigate this case, and ascertain the source of the matter used for vaccination.

MR. HALDANE: I would refer my hon. friend to the Answers I gave to the hon. Member for West St. Pancras on Monday and Tuesday last,† which embodied full medical reports on the deaths of these two recruits. All men on enlistment undergo a most searching medical examination, and are not accepted unless they pass it. The vaccination was performed by an officer of the Royal Army Medical Corps at Caterham; and the vaccine was obtained from the Army Vaccine Institute, Aldershot. The lymph at this institute is always preserved in glycerine, and is not issued until the calf has been found healthy on post mortem examination, and the lymph shown to be clean by plate culture. The other vaccinations made from lymph taken from the two calves used for vaccinating privates Geall and Morriss have proved quite satisfactory.

MR. LUPTON: Where is this lymph obtained? Is there any systematic examination of it?

MR. HALDANE: At Aldershot we have an Army Vaccine Institute, which makes a scientific investigation of the lymph before it is used. The lymph is kept in glycerine.

MR. LUPTON: Where is it obtained?

MR. HALDANE: From the calf.

MR. LUPTON: Have they calves at Aldershot or some other place?

MR. HALDANE: Yes, we have proper and sufficient calves.

MR. LUPTON: Could the right hon. Gentleman discover any other cause for blood poisoning in these cases than vaccination?

MR. HALDANE: Judging from the fact that many other soldiers have been successfully vaccinated, we gather that the deaths were due to something else than the vaccine.

MR. LUPTON: What was it produced the blood poisoning?

MR. SPEAKER: How can the right hon. Gentleman answer that?

Ballater Military Church Parade.

LORD R. CECIL (Marylebone, E.) I beg to ask the Secretary of State for War whether, on several occasions between the 26th August and the 14th October last, a number of soldiers stationed at Ballater, who were entered as belonging to the Church of England, were invited by their superiors to attend the Presbyterian church instead of their own; and, if so, what was the reason for this proceeding.

MR. HALDANE: The officer commanding the King's guard of honour at Ballater in August last informed his men that, while he had no desire to influence them one way or the other, he would raise no objection to their attending the parade service in the parish church, should they wish to do so. As the men attended the Presbyterian service of their own free will, there seems to be no objection to the course taken by the officer commanding.

The Disbanded Battalions.

MR. ALDEN (Middlesex, Tottenham): I beg to ask the Secretary of State for War whether the nine battalions to be disbanded by order of the Army Council, though nominally 20,000, have only a total strength of 6,167 men of all ranks, and that 4,184 men have been transferred to other battalions or other regiments or to the staff; and, if so, whether he will state the approximate amount of reduction in cost as a result of this reduction in actual numbers.

† See (4) *Debates*, clxvi., 1544; clxvii., 332.

MR. HALDANE: As I informed the hon. Baronet the Member for West Marylebone, on the 3rd instant,† the strength of the nine battalions on 1st September last was 6,167, the total establishment being 7,390, and not 20,000. The 20,000 comprises other details. Though for the present the officers and men are mainly being transferred to other battalions or regiments, so that the immediate loss of actual strength is but small, the ultimate reduction in the cost of the Army will be the full cost of the nine battalions, viz.:—about £500,000 per annum. It is impracticable to give any figure for the saving by diminution in actual strength of the Army, owing to these disbandments, because that diminution is progressive, varying from day to day.

Mauritius Garrison.

MR. HAROLD COX (Preston): I beg to ask the Secretary of State for War whether he can explain why the garrison of Mauritius increased from 886 men in 1894-5 to 3,605 men in 1904-5; and whether he can further explain why nine-tenths of the total cost, £278,841, of maintaining this local force is borne by the taxpayers of the United Kingdom.

MR. HALDANE: The garrison was increased as stated in accordance with the views obtaining at that time regarding the defence of the island. As regards the contribution paid by the Colony, the amount depends on the financial ability of its inhabitants to meet the cost of its government and defence. I should naturally be glad if circumstances made it possible to bring the cost of the garrison and the amount of the contribution more into accord.

Maryhill Barracks, Glasgow.

LORD BALCARRES (Lancashire, Chorley): I beg to ask the Secretary of State for War if the cavalry now stationed at Glasgow will be removed when the Scots Greys leave Edinburgh, and, if so, when other troops will be quartered at Maryhill Barracks.

MR. HALDANE: In the ordinary course the squadron of Scots Greys, now on detachment at Maryhill from Edinburgh, would leave Glasgow when the

regiment left Scotland. An infantry battalion is already stationed at Maryhill Barracks, although only the advanced details have arrived there as yet, the headquarters being due to arrive from Aden on the 29th instant.

British Indian Emigrants to East Africa.

*MR. REES (Montgomery Boroughs): I beg to ask the Under-Secretary of State for the Colonies whether he will inform the House what terms the Protector of Emigrants in British East Africa has been instructed to offer to agricultural emigrants from British India; whether such emigrants are exempted from the operation of the Indian Emigration Acts; and whether British Central Africa should also be included in the list of countries to which emigration from India is allowed.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (MR. CHURCHILL, Manchester, N.W.): The Indians who are being invited to emigrate to the East Africa Protectorate are being offered land grants and other assistance to enable them to settle as free cultivators; consequently the Indian Emigration Acts, which relate only to emigrants leaving India under an agreement or indenture, do not apply to them. As regards the British Central Africa Protectorate, there is nothing to prevent the voluntary immigration of natives of British India.

Hong Kong—Poll-Tax on British Passengers.

MR. BOWLES (Lambeth, Norwood): I beg to ask the Under-Secretary of State for the Colonies whether he is aware that British vessels leaving Hong Kong for the Philippine Islands, or any other possession of the United States, are boarded in Hong Kong before sailing by a representative of the United States consul general, who exacts from every British passenger what is locally known as a poll-tax, and assumes to order out of the ship any person, whether a passenger or a member of the crew, whom he may consider undesirable; whether this taxation of British subjects in a British port by the servants of a foreign power has any and, if so, what legal sanction or authority; and whether he will take immediate steps to put an end to this practice.

† See (4) *Debates*, clxvi., 575.

MR. CHURCHILL: I am aware that vessels leaving Hong Kong for American ports are examined by medical officers, attached to the United States Consulate, who are responsible to their Government for the proper disinfection of luggage and passengers. The functions performed by those officers are not enjoined by British law, but in the interests of international public health and convenience their usefulness is recognised by His Majesty's Government. I am not aware that any other officers attached to the United States Consulate exercise similar functions, or that any poll-tax is levied; but if the hon. Member will supply me with any information which is in his possession, inquiries will be made.

Johannesburg Mines—Recruitment of Labour in Portuguese Africa.

MR. FELL (Great Yarmouth): I beg to ask the Under-Secretary of State for the Colonies why, as an inquiry is now pending into the whole question of the recruitment of Kaffir labour for the Johannesburg mines in the Portuguese territory, it was thought expedient to put pressure on the Portuguese Government to make effective the licence for recruiting natives granted to the group of mines controlled by Mr. Joseph Benjamin Robinson; and whether under the circumstances, the Government will withdraw the pressure and suspend any action under this licence until the results of the inquiry are known.

MR. CHURCHILL: The reason is obvious. The Robinson group of mines naturally expected that the licence issued was issued to enable them to recruit effectively. His Majesty's Government see no sufficient reason for departing from the attitude they have taken up in the matter up to the present.

MR. FELL: I beg to ask the Under-Secretary of State for the Colonies whether he is aware of the dissatisfaction felt by the shareholders in all the other groups of mines working at Johannesburg at the privilege granted to the Robinson group of mines alone to recruit Kaffir labour in the Portuguese territory; and on what ground the group named was especially favoured, to the detriment of the shareholders in all the other groups of mines.

MR. CHURCHILL: I am aware that those representing the interests of other mines are dissatisfied. The Robinson group applied on the ground that they wished to dissociate themselves from the Witwatersrand Native Labour Association, and it was only at a later date that the other groups applied for separate facilities and proposed to break up the association, after the policy had been adopted of inviting the Portuguese Government to grant facilities for the Robinson group, and to accept the principle of holding an inquiry before any further change was made.

Local Option in the Colonies.

MR. LEIF JONES (Westmoreland, Appleby): I beg to ask the Under-Secretary of State for the Colonies whether in view of the forthcoming Government Licensing Bill he will take further steps to secure without delay from those Colonies which have not yet replied to him the information necessary to complete the promised Return of the local option provisions in Colonial liquor laws, so that it may be ready for the use of Members by the beginning of next session.

MR. CHURCHILL: The Colonial Governments from whom replies are still required have been again reminded by telegraph, and when the necessary information has been received every effort will be made to give the Return with as little further delay as possible.

MR. LEIF JONES: Will the right hon. Gentleman see that the House has this information? It is very important.

MR. CHURCHILL: I most earnestly desire it shall be given, but I can only ask the Colonies for information.

Mr. Howard Pim.

MR. DUNN (Cornwall, Camborne): I beg to ask the Under-Secretary of State for the Colonies whether Mr. Howard Pim has been dismissed from his position as auditor of certain gold-mining companies because he declined to give an undertaking not to contest a seat in the Legislative Assembly of the Transvaal Colony to be elected pursuant to His Majesty's Order in Council just issued; whether Mr. Schumacher, chairman of

the Jumpers Deep (one of the companies referred to), admitted, at a meeting held yesterday, that the sole reason of Mr. Pim's dismissal was the political reason; whether the Municipal Election Ordinance, 1903, as adapted in the Letters Patent to elections for the Legislative Assembly, renders such intimidation a criminal offence, and, if so, will the necessary steps be taken to insure prosecution and, if such Municipal Election Ordinance, 1903, fails to deal with intimidation of the nature referred to, whether any, and, if any, what, steps will be taken to insure that the ensuing elections shall be free from intimidation and corruption.

MR. CHURCHILL: I have seen statements of the kind referred to in the Press, but no official information on the subject has been received. Inquiry shall be made.

British West Africa Produce Company.

SIR J. JARDINE (Roxburghshire): I beg to ask the Under-Secretary of State for the Colonies what course the Colonial Office, or the authorities of the Colony of Sierra Leone, have taken or intend to take with regard to the twenty concessions from paramount native chiefs and others extending over 4,000 miles, as stated in the prospectus of the British West Africa Produce Company, under the name of Sir Frederick Cardew, therein described as a former governor; whether any correspondence as regards these concessions took place between the said company or the original owners of these concessions and the Colonial Office or the Government of Sierra Leone; whether an antecedent sanction of that Government or the Colonial Office is usually applied for in such matters to make such concessions valid; and whether the doubts as to the validity of these particular concessions entertained by the legal advisers of the Colonial Office had been expressed at the time when the paramount chiefs sold the concessions or when the prospectus of the British West Africa Produce Company, Limited, was issued to the public in Great Britain.

MR. CHURCHILL: In February, 1905, Mr. E. Brunner, the then holder of these concessions, wrote to the Secretary

of State asking that certain amendments, favourable to the interpretation of the concessions, might be made in the law of Sierra Leone, and that certificates of their validity in regard to agricultural rights might be granted. The late Secretary of State for the Colonies replied that he was unable to comply with this request. There has been no other correspondence between the Colonial Office and the concessionaires. Lord Elgin has no information of any correspondence having passed between the concessionaires and the Colonial Government; but it appears that in October, 1904, an application was made to the Concessions Court of Sierra Leone to have the concessions declared valid by that Court, which however, was withdrawn without any pronouncement being made by the Court upon them. Concessions purporting to grant rights in or over land, minerals, precious stones, timber, rubber, or other products of the soil, require the validation of the Concessions Court of the colony, but not the sanction of the Governor or of the Colonial Office. No opinion had been given on these concessions by the legal advisers of the Secretary of State at the time when the chief sold them or when the prospectus of the company named was issued. The Governor of Sierra Leone will, as I stated in reply to a former Question on this subject, be instructed to watch the operations, if any, of the company, with a view to preventing any illegalities or abuses.

Compulsory Labour on Crown Lands in the Transvaal.

MR. MOLTENO (Dumfriesshire): I beg to ask the Under-Secretary of State for the Colonies whether the liability to render compulsory labour, which was imposed in 1903 upon all the adult native population, men and lads, residing on the Crown lands of the Transvaal, was imposed by Ordinance or by an administrative act of the Executive Council; whether this imposition was brought to the notice of or had the express sanction of the Secretary of State for the Colonies for the time being; and whether, in view of the recent establishment of this obligation, the Secretary of State can see his way to cancel and to annul such legislation or regulation before responsible Government comes into operation in the Transvaal.

MR. CHURCHILL: The arrangement in question which is referred to in the Report of the Commissioner of Lands printed in Cd. 3028, page 26, has formed the subject of correspondence between the Secretary of State and the Governor, who explains that it was not contemplated that the labour supplied by native squatters should be of a compulsory nature. The undertaking to work is purely a matter of contract between landlord (in this case the Government) and tenant. The condition has only been taken advantage of in certain districts; no compulsion has been used and no hardship has resulted to the native. In the circumstances it does not seem necessary for the Secretary of State to take any action in the matter.

MR. MOLTENO: Has the hon. Gentleman seen the regulation which provides that men and lads are liable to be put on public works for a period of not more than six months in any one year?

MR. CHURCHILL: No, Sir, but I have asked for Papers.

Transvaal Crown Lands.

MR. MOLTENO: I beg to ask the Under-Secretary of State for the Colonies whether he is aware that the Crown lands of the Transvaal, occupied in part by natives, were declared by the Executive Council in 1903 to be liable to be allotted under lease or licence to settlers; whether such a declaration has the effect of cancelling all native rights on the Crown lands, and what provision is made for these natives when lands are so allotted; and whether a matter of such serious importance can be dealt with by an administrative Act, or whether legislation would be necessary in order to make it valid.

MR. CHURCHILL: The disposal of Crown lands in the Transvaal is regulated by the Crown Land Disposal Ordinance, 1903. That Ordinance among other provisions authorises the Lieutenant-Governor to reserve Crown lands for the use or benefit of aboriginal natives as well as to lease Crown lands to settlers and to utilise them for other purposes. I am not aware that any hardship has been inflicted on natives in leasing such land to settlers.

Native Taxes on Transvaal Crown Lands.

MR. MOLTENO: I beg to ask the Under-Secretary of State for the Colonies whether he is aware that a new rental of £1 per adult male native, in addition to other taxes, was imposed upon all natives residing on the Transvaal Crown lands by the Transvaal Executive Council in July, 1903; whether this imposition had the sanction of His Majesty's Secretary of State for the Colonies; and whether such imposition is lawful without express legislation.

MR. CHURCHILL: Yes, Sir. The circumstances are explained in the Report of the Commissioner of Lands laid before Parliament in July, Cd. 3028, page 25. The position of natives on Crown lands is assimilated to that of tenants living on private farms. The Secretary of State saw no reason to interfere. No special legislation seems required, the case being merely that of contract between landlord and tenant.

MR. MOLTENO was proceeding to ask a Question as to a Report in 1904, when Mr. Speaker suggested that notice should be given.

Prisoners in Natal.

MR. ALDEN: I beg to ask the Under-Secretary of State for the Colonies whether he has yet had an opportunity of using his friendly offices with the Natal Government to secure the return of the Zulu rebels at present in prison to their homes, in view of the distress prevailing in those districts owing to the absence of the male population.

MR. CHURCHILL: As I informed the hon. Member on the 3rd instant,[†] the Natal Government are, I understand, taking all necessary measures to relieve distress. The question of deciding as to the return of the Zulu rebels to their homes is one for the local government.

MR. MYER (Lambeth, N.): Do the Government not intend to grant an amnesty to these native patriots and let them return to their homes?

MR. CHURCHILL: I have answered that Question.

[†] See (4) *Debates*, clxvi., 579-80.

MR. BYLES (Salford, N.): I beg to ask the Under-Secretary of State for the Colonies if he can yet say whether the proposed transfer of Natal prisoners to a diamond mine in the Transvaal will take place.

MR. CHURCHILL: I am unable to add anything to the Answer which I gave to the hon. Member's Question on this subject on Monday last.†

Transvaal Land Settlement Finance.

MR. LYTTELTON (St. George's, Hanover Square): I beg to ask the Under-Secretary of State for the Colonies what is the amount of the balance of money appropriated by the Inter-Colonial Council to the Government of the Colony out of the loan authorised by the Transvaal Guaranteed Loan Ordinance, 1903, for the purposes of land settlement.

MR. CHURCHILL: The Secretary of State has received a telegram from Lord Selborne stating that the balance is £58,637.

British Indians in Natal and the Franchise.

MR. HAROLD COX: I beg to ask the Under-Secretary of State to the Colonies whether His Majesty's Government have yet arrived at any decision with regard to the Act recently passed by the Natal Legislature, which, if permitted to become law, would take away the municipal franchise from a large number of His Majesty's Indian subjects, many of whom are large ratepayers.

MR. CHURCHILL: This matter is still under consideration.

Portugal and Native Labour Recruitment.

MR. C. NICHOLSON (Yorkshire, W.R., Doncaster): I beg to ask the Under-Secretary of State for the Colonies whether, under Section XIII. of the *modus vivendi* arranged by Lord Milner and the Portuguese Government on the 18th December, 1901, it is in the power of either party to the treaty to terminate it by one year's notice; and whether, if the Portuguese Government adheres to its determination to limit the recruiting of natives to a particular group of mine-

owners, to the exclusion of the rest of His Majesty's subjects, His Majesty's Government will take steps to terminate the *modus vivendi*.

MR. CHURCHILL: His Majesty's Government see no reason at present to contemplate this contingency.

Regulation of Native Labour in the Transvaal Mines.

SIR J. JARDINE: I beg to ask the Under-Secretary of State for the Colonies whether His Majesty's Government have considered, in view of their determination to bring the employment of Chinese labourers to an end, the political and economic dangers likely to arise in the Transvaal if the supply of native labour for the mines is left, as it is at present, largely under the control of a particular group of mineowners acting under special arrangements with the Governor-General of Mozambique; and, if so, what steps His Majesty's Government is taking to protect the inhabitants of the Colony from those dangers.

MR. CHURCHILL: His Majesty's Government believe that a satisfactory solution of the matter will be arrived at under responsible government. Meanwhile an inquiry is about to be held into the question of recruiting in Portuguese territory being conducted by one or several agencies.

MR. MACKARNESS (Berkshire, Newbury): I beg to ask the Under-Secretary of State for the Colonies whether the *modus vivendi* agreed to between Lord Milner and the Portuguese Government on the 18th December, 1901, contained any provision involving or justifying the grant to a particular group of mineowners of a monopoly of recruiting natives in the province of Mozambique; and, if not, what warrant is there for the attitude of the Portuguese Government in declining to accede to the wishes of His Majesty's Government that the monopoly enjoyed by the Witwatersrand Native Labour Association should be brought to an end.

MR. CHURCHILL: There is no express provision on the point either in one direction or the other in the text of the *modus vivendi* agreement. But negotiations are in progress, and I have

† See (4) *Debates*, clxvi., 1551.

every expectation that they will reach a satisfactory conclusion.

In reply to a supplementary Question by Mr. Mackarness,

MR. CHURCHILL said he believed the Portuguese Government had already consented to give notice of the termination of the present agreement.

MR. SWIFT MACNEILL (Donegal, S.): Are the negotiations with Portugal carried on by the Colonial Office?

MR. CHURCHILL: No, by the Foreign Office.

South African Railway Tariffs.

MR. BOULTON (Huntingdonshire, Ramsey): I beg to ask the Under-Secretary of State for the Colonies whether, seeing that the *modus vivendi* agreed to between Lord Milner and the Portuguese Government on the 18th December, 1901, provided that the Portuguese Government should allow the engagement of native labourers from the Portuguese province of Mozambique for the Transvaal and Rhodesia, and that the Transvaal Government should re-establish the combined tariffs and classification of goods on the railway from Lorenzo Marques to Johannesburg, which were in force before the War; and, in view of the fact that these tariffs were detrimental to the trade of the British Colonies of the Cape and Natal, and of the attitude of the Portuguese Government limiting the engagement of native labourers, His Majesty's Government will revise the tariffs for the benefit of our own Colonies.

MR. CHURCHILL: The question of the differential railway rates conceded to the Delagoa Bay route under the *modus vivendi* has formed the subject of negotiations between His Majesty's Government and the Portuguese Government. His Majesty's Government do not now propose to take further action pending consideration of the matter by the new Government of the Transvaal.

Transvaal Customs Duties.

SIR HOWARD VINCENT: I beg to ask the Under-Secretary of State for the Colonies if paragraph VII., Sub-section 4,

of the instructions under the Royal Sign Manual to the Governor of the Transvaal, dated 6th December, 1906, prohibiting his assent to any law imposing differential duties, implies that the 25 per cent. preferential rebate in the Customs duties of the Transvaal upon imports the product of British labour, now given in common with Cape Colony, Natal, the Orange River Colony, and Rhodesia, is to be withdrawn, and that in the future no lighter duties may be levied upon British goods than upon foreign goods; and, in such case, will he say why this provision, which is prejudicial to the workers in the Mother Country and the British Empire, and destructive of British trade, has been inserted.

MR. CHURCHILL: The provision in the instructions does not sustain the hon. and gallant Member's apprehensions. It has been inserted in accordance with custom to prevent the coming into operation before the Secretary of State has had the opportunity of considering its provisions of a law which may conflict with treaty obligations.

Crown Colony Governors.

MR. SWIFT MACNEILL: I beg to ask the Under-Secretary of State for the Colonies are there any and, if so, what precedents for the continuance in office of a Governor of a Colony who administered that Colony as a Crown Colony when the Colony thus administered by him has become a Colony with responsible government; and on what grounds, under these circumstances, has Lord Selborne been continued in his present position.

MR. CHURCHILL: Yes, Sir, in seven out of eight cases of the grant of responsible government, the Governors who had been in office prior to the change retained the governorship. In the eighth case, the change of constitution happened to occur just as the Governor's term of office expired.

MR. SWIFT MACNEILL: Have not all these been cases of Governors favourable to responsible government, and not opposed to it?

MR. CHURCHILL: We have no records on that point.

The Imperial Veto.

MR. SWIFT MACNEILL: I beg to ask the Under-Secretary of State for the Colonies, in the event of a return of a proposed Law of the Transvaal Legislature presented to the Governor by him with amendments which he may recommend, what will be the effect of the rejection in whole or in part of those amendments of the proposed law; is the Governor, in proposing such amendments, to act on the advice of his responsible Ministers or on his own responsibility; and, if on his own responsibility, to whom will he be accountable.

MR. CHURCHILL: The effect of the rejection of the amendments of the proposed law will obviously be that they will not become law. The Governor will act upon the advice of Ministers. A similar provision will be found in Section 58 of the Commonwealth of Australia Constitution Act.

Lord Selborne.

MR. SWIFT MACNEILL: I beg to ask the Under Secretary of State for the Colonies, whether, in continuing Lord Selborne as Governor of the Transvaal in the position of paramount chief over all the chiefs and natives in the Transvaal Colony, regard has been had to the circumstance that Lord Selborne was a member of the British Cabinet which sanctioned the Labour Importation Ordinance, 1904, and who subsequently, as Governor of the Transvaal, administered that Ordinance and suggested many objections to the repatriation of the Chinese indentured labourers.

MR. CHURCHILL: All the circumstances of Lord Selborne's public and official career have always been and will always be considered by His Majesty's Government in regard to all matters in which his services are employed.

MR. SWIFT MACNEILL: I beg to ask the Under-Secretary of State for the Colonies whether it is the practice for a member of a British Cabinet to vacate that position for the purpose of carrying out as Governor of a Crown Colony a line of policy adopted by the Cabinet of which he was a member in that Colony; what precedents, if any, are to be found in support of that practice; whether it is the practice for a Colonial Governor,

appointed by a Cabinet of which he was himself a Member to carry out a certain policy, to remain on a change of administration in the same office at the request of another Cabinet to carry out a different line of policy; what precedents, if any, are to be found in support of this practice; and on what grounds has Lord Selborne, under such circumstances, been retained in his present position in South Africa.

MR. CHURCHILL: The circumstances in which Lord Selborne was appointed to his present position in South Africa were quite exceptional, and I am not aware of any precedent which exactly applies to those circumstances. The only part of the hon. Member's Question which touches the responsibility of His Majesty's present Government is the last, and in regard to that the Answer is that the grounds on which Lord Selborne retained office were that, as the representative of His Majesty, and thereby removed from all active participation in politics, he was willing to serve after the change of administration, and that His Majesty's present Government desired that he should continue in office.

MR. SWIFT MACNEILL: Do I understand that Lord Selborne, having been a member of the late Cabinet, went out to a Crown Colony to administer a certain policy there, and when that policy was reversed he remained to administer the new policy?

MR. CHURCHILL: I do not think that is a sufficiently complete description of the situation.

Transvaal Land Settlements Board.

MR. SWIFT MACNEILL: I beg to ask the Under-Secretary of State for the Colonies whether the appointments of members of the Transvaal Land Settlements Board will be made by the Governor on the advice of his responsible Ministers, or will be made by the Governor on his own initiative and responsibility; and, if these appointments are to be made by the Governor on his own initiative and responsibility, what is the reason for the distinction in the method of making these appointments from the method of making appointments to the membership of Legislative Councils subsequent to the first

Legislative Council, which is to be not by the Governor alone, but by the Governor in council; and to whom is the Governor responsible in the making of these appointments.

MR. CHURCHILL: The appointments will be made by the Governor, and not by the Governor on the advice of his responsible Ministers. The appointments to the Land Board, which is only to last five years, will, like the first appointments to the Legislative Council, be made by the Governor, the object being to ensure that the Land Board shall not be open to any political influence. The Governor in this matter is responsible to the Secretary of State.

MR. SWIFT MACNEILL: Will the Governor first submit the names to the Secretary of State?

MR. CHURCHILL: All appointments will be approved from here.

Transvaal Legislative Council.

MR. SWIFT MACNEILL: I beg to ask the Under-Secretary of State for the Colonies, will Lord Selborne, under the Transvaal Constitution, summon on his own initiative every member of the Legislative Council, or will that summons, or the selection of members therein mentioned, be made on any responsible motion, and, if so, who will be the advisers; and whether, having regard to the power of the Legislative Council in the control, alteration, and rejection of measures passed by the elected Legislative Assembly, and the political leanings and antecedents of Lord Selborne, the effects of entrusting him with the nomination of one of the legislative bodies created by the Letters Patent establishing the Constitution has been considered.

MR. CHURCHILL: The Legislative Council will be nominated by the Governor, who will be instructed to consult the Secretary of State before making any appointment.

Uganda Forest Concession.

MR. CATHCART WASON: I beg to ask the Under-Secretary of State for the Colonies whether, under the forest concession recently granted in Uganda, the rights of the Natives to obtain wood

for building purposes and for fuel are fully secured; and if every precaution will be taken to protect the Natives against the tsetse fly in that part of the concession where it prevails.

MR. CHURCHILL: The rights of the Natives in the Mabira Forest are, in the Secretary of State's opinion, adequately safeguarded by Sections 18 to 20 of the Agreement with the Mabira Forest Rubber Company. The Secretary of State regrets that he is not aware of any means by which Natives can be effectually protected against the tsetse fly either in the Mabira Forest or elsewhere.

New Hebrides Convention.

MR. WILLIAM REDMOND: I beg to ask the Under-Secretary of State for the Colonies if he is aware that the Commonwealth Premier has emphatically denied the statement to the effect that the New Hebrides Convention was not signed till the views of Australia and New Zealand had been consulted and an acquiescence, albeit reluctant, had been obtained; whether he can give any explanation on this point; and whether His Majesty's Government can promise that no appointment of officials will be made in the New Hebrides without the concurrence of Australia and New Zealand.

MR. CHURCHILL: I have seen a Press report of remarks attributed to Mr. Deakin to the effect that my Answer to the hon. Member's Question of the 31st October† was technically correct, but actually misleading. I am still of opinion that no more exact or appropriate description of the situation could have been given; but the correspondence which will be shortly laid before Parliament will enable all persons to judge for themselves. As regards appointments in the New Hebrides, I have nothing to add to the reply which I gave on the 14th November to a Question by the hon. Member for Gravesend.‡

MR. WILLIAM REDMOND asked if that reply was to the effect that Australians and New Zealanders would be eligible?

MR. CHURCHILL: Yes.

† See (4) *Debates*, clxiii., 1099-1100.

‡ See (4) *Debates*, clxiv., 1491.

German South West Africa.

*MR. REES : I beg to ask the Secretary of State for Foreign Affairs whether any representations have been made to the effect that in German South West Africa the insurgents received reinforcements from British territory.

THE SECRETARY TO THE LOCAL GOVERNMENT BOARD (Mr. RUNCIMAN, Dewsbury ; for Sir EDWARD GREY): There have been some complaints as to natives crossing the border into German territory, but no representations have been made as to anything that could properly be called "reinforcements" being received by the insurgents from British territory. There have also been occasions when the border has been crossed by German troops into British territory and the recent raid by Ferreira from German into British territory is no doubt in the hon. Member's recollection. But none of these incidents have been treated by either Government as evidence of an unfriendly disposition on the part of the authorities on either side.

Cape to Cairo Railway.

MR. WEDGWOOD (Newcastle-under-Lyme): I beg to ask the Secretary of State for Foreign Affairs whether negotiations are in progress between this country and the Congo State as to the concession of a strip of territory for the Cape to Cairo Railway.

MR. RUNCIMAN : The Answer is in the negative.

MR. MYER : Is not the price of this land the silence of His Majesty's Government on the Congo atrocities ?

[No Answer was returned.]

The Bahr-el-Ghazal.

MR. LONSDALE (Armagh, Mid.): I beg to ask the Secretary of State for Foreign Affairs whether he has official information that the Congolese troops have yet evacuated the disputed posts in the Bahr-el-Ghazal.

MR. RUNCIMAN : My right hon. friend has no official information on the subject. But there is no doubt that the provisions of the agreement will be carried out.

Turkish Customs.

MR. LONSDALE : I beg to ask the Secretary of State for Foreign Affairs whether he can state the present position of affairs with reference to the proposed increase in the Turkish Customs.

MR. RUNCIMAN : The negotiations on this question between the Powers and the Ottoman Government are still proceeding, and it is not possible to make any statement at present.

Factory Fatalities.

MR. ARTHUR HENDERSON (Durham, Barnard Castle): I beg to ask the Secretary of State for the Home Department whether his attention has been called to the increase in the number of fatal accidents in factories for October 1906 compared with the same month of last year ; whether he can say how many of the seventy-two deaths were attributable to dangerous machinery or structures as to which the Factory Act empowers the enforcement of means of prevention ; and whether he can give the number of non-fatal accidents in factories for the ten months ending 31st October 1906.

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): Yes, I am aware that the figures referred to in the Question, which are compiled in my Department, show for factories and workshops an increase of eleven, of which six are accounted for by falls, over those for the corresponding month in 1905. The monthly figures, however, are liable to fluctuations from a variety of causes, and it would not be safe to draw any inference from the present increase. The figures for the preceding and succeeding months were in each case lower than those for the corresponding months of 1905. I cannot give the number of fatal accidents attributable to dangerous machinery or structures in regard to which the Factory Act empowers the enforcement of means of prevention, but the number due to machinery moved by power was twenty-six. The number of non fatal accidents in factories and workshops during the first ten months of the year would be between 78,000 and 79,000.

Time-cribbing in Factories.

MR. GILL (Bolton): I beg to ask the Secretary of State for the Home Department whether any additional steps have been taken since August last to put down time-cribbing in factories; what the results of such efforts have been; and whether he has availed himself of the help of the full staff of factory inspectors by authorising the assistant inspectors to deal with this matter in conjunction with their other duties.

*MR. GLADSTONE: The number of firms successfully prosecuted by the Department during the last four months was forty, the number of informations laid being 457. Fines were imposed to the total amount of £397, and costs to the total amount of £204. In the case of only one firm were proceedings unsuccessful. I hope these satisfactory results of the action taken by the Department will be found to have a deterrent effect. As regards the last part of the Question, arrangements are being made to utilise the services of the inspectors' assistants in the Lancashire districts in the prevention of time-cribbing.

Scarborough Juvenile Offender.

MR. WALSH (Lancashire, Ince): I beg to ask the Secretary of State for the Home Department whether his attention has been called to the case of a boy sentenced by the Scarborough magistrates to detention in a reformatory for five years; whether he is aware that the boy had no felonious intent in taking the tools of his employer; and whether, having regard to all the circumstances, he will consider the desirability of revising the decision of the magistrates.

*MR. GLADSTONE: This boy stole various articles from three different places, and when he was brought before the magistrates his uncle, who is his guardian, said that he was beyond control and refused to be bound over for his good behaviour. I am, however, in communication with the magistrates respecting this case, and I will acquaint the hon. Member with the decision at which I arrive.

Medical Inspection of Emigrants.

SIR WALTER FOSTER (Derbyshire, Ilkeston): I beg to ask the President of the Board of Trade whether he is aware

that at certain European ports emigrants are examined by a medical officer of the United States Government before embarkation with a view to prevent rejections on arrival in America, and avoid the trouble and expense of reshipment to Europe; and whether any proposals for a similar examination at certain ports in this country have reached him.

THE PRESIDENT OF THE BOARD OF TRADE (MR. LLOYD-GEORGE, Carnarvon Boroughs): I have no information as to the practice which prevails at Continental ports, but in this country emigrants have not, I believe, been inspected by United States officers since 1900. No proposals respecting the reintroduction of this inspection have reached me.

Electric Lighting Orders.

MR. SMEATON (Stirlingshire): I beg to ask the President of the Board of Trade whether the Board of Trade have laid down a general rule that they will not sanction transfers of Electric Lighting Orders except in cases where special authority for the transfer is conferred by a provision in the Order; if so, under what statutory authority have the Board laid down this general rule; what is the reason and purpose of the rule; and whether the Board will consent to relax the rule as regards existing Orders (as in the cases of Grangemouth and Denny in Stirlingshire), and save the ratepayers the cost of obtaining fresh Orders.

MR. LLOYD-GEORGE: The Board of Trade have not made a rule in the matter referred to by my hon. friend, but they are advised that without a transfer clause there can be no transfer which will relieve the undertakers of their liabilities to the public, though there might be clauses in an agreement for the exercise under certain conditions of the powers of the undertakers by the contractors party to the agreement. In the two cases referred to by my hon. friend, a power to transfer was not asked for when the applications for the Orders were made, and the Board of Trade, therefore, have no power now to sanction a transfer.

Cavan and Leitrim Light Railway.

MR. THOMAS F. SMYTH (Leitrim, S.): I beg to ask the President of the Board of Trade if the four flag stations on the Cavan and Leitrim Light Railway will

be opened for passenger traffic as well as for goods and minerals, by all trains, in the same manner as formerly, as the closing of those stations means a loss to the ratepayers in the guaranteeing area, who have to pay a rate of 1s. in the pound; will he see that men working on the line will be carried by the trains to and from their work, so that less men may be required to do the work of the line, and thus save further expense; and, in view of the fact that a guarantee was given by the directors, when the line was being constructed, that those flag stations would be erected for the convenience of the people in the different districts, will the Board of Trade see that this arrangement is carried out.

MR. LLOYD-GEORGE: The railway company with whom the Board of Trade are in correspondence in this matter, state that they are unable to reply fully on the points raised in the Question pending the careful consideration of the whole subject by the directors at a meeting to be held on the 27th instant. I will communicate with the hon. Member as soon after that date as may be practicable.

Cement Imports.

MR. J. WARD (Stoke-on-Trent): I beg to ask the President of the Board of Trade whether he is aware that a large proportion of the foreign cements introduced into this country is imported in the bags of home firms, with British trade marks attached, and sold to the home trade as British manufactured cements; and whether he will consider the advisability of taking legal proceedings against such firms under the Merchandise Marks Act.

MR. LLOYD-GEORGE: I am informed that the Board of Customs have no reason to believe that foreign cement imported into this country is brought in bags bearing British trade marks without an indication of the country of origin of the cement. Any such importation which came under the observation of officers of the Customs Department would be detained and a necessary condition of release would be that there should be added an indication of the country of origin or that the trade mark should be erased. With regard, however, to this matter and also to the sale in this

country of foreign cement as British, if my hon. friend will furnish me with any information on the subject that may be in his possession I shall be glad to have inquiries made.

MR. J. WARD: I will supply the information.

Clare Hall Hospital.

*MR. CARLILE (Hertfordshire, St. Albans): I beg to ask the President of the Local Government Board upon what grounds it is proposed to allow authorities in the county of Middlesex to place persons suffering from smallpox in the county of Hertford, and to erect a hospital in the latter county for their reception and treatment.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (MR. JOHN BURNS, Battersea): I presume that the case referred to is that of the Clare Hall Hospital. If so, I may point out that the hospital already exists, and that cases from Middlesex have for some years past been received in it. Indeed, I understand that the hospital buildings are actually in Middlesex, although part of the grounds are in Hertfordshire. There did not appear to me to be any sufficient reason for withholding sanction to the loan required for the purchase.

*MR. CARLILE: Does the right hon. Gentleman propose to make the county of Hertford the dumping ground for the insane and diseased from the counties adjacent?

MR. JOHN BURNS: No, it is not my intention, but these institutions are necessary and must be located somewhere. Generally speaking, their proximity to houses is grossly exaggerated.

*MR. CARLILE: Is not the hospital to which the right hon. Gentleman refers a small private hospital, and is there not abundant accommodation in different parts of Middlesex for these diseased persons?

MR. JOHN BURNS: I cannot see any reason to assume that this institution will be worse conducted under public auspices than it was under private management.

Local Loans for Public Works.

MR. BRACE (Glamorganshire, S.): I beg to ask the President of the Local Government Board, whether, in face of the disadvantages local authorities suffer in consequence of the refusal of the Local Government Board to allow the repayment of moneys borrowed by them for carrying out public works to extend over a longer period than is at present the recognised rule, viz., thirty years for buildings and twenty years for the construction of new roads and for road improvements, he will consider the question of substantially increasing the period for the repayment of loans, so as to meet the wishes and needs of local municipal authorities.

MR. JOHN BURNS: I have on several occasions had to consider the question of the terms which should be fixed for the repayment of loans raised by local authorities, but I have not seen my way to an alteration of the periods usually allowed by the Local Government Board.

Loans for Electrical Works.

MR. HEDGES (Kent, Tonbridge): I beg to ask the President of the Local Government Board what is the period allowed for repayment of loans raised for electrical works undertaken by local authorities; and what regulations are in force with regard to the charging to capital account of the wages of men employed by the authorities on their regular work, but temporarily diverted to work of extension, which, if put out to tender, would be chargeable to capital account.

MR. JOHN BURNS: The period allowed by the Local Government Board for the repayment of loans for electrical plant varies according to the nature of the plant, but the maximum period usually allowed is twenty-five years. As regards the latter part of the Question, the view taken by the Board is that the wages of workmen permanently employed by a local authority should not be paid out of borrowed money, and consequently it is their practice to exclude from the amount to be borrowed for works proposed to be executed by the authority any sums which would be paid in respect of such wages.

Merthyr Tydvil Chapels.

MR. BRIDGEMAN (Shropshire, Oswestry): I beg to ask the President of the Board of Education if several thousands of pounds have been paid within the last few years in rent by the local education authority for Merthyr Tydvil to the owners of chapels for the use of buildings for educational purposes, which cannot be regarded as fulfilling modern educational requirements; and if he will give a Return for the last seven years, stating the total amount paid for such purposes, and giving the amount for each several year.

THE PRESIDENT OF THE BOARD OF EDUCATION (MR. BIRRELL, Bristol, N.): The only information in the Board's possession in regard to the points referred to in the Question is: (a) that there appears to be a chapel in temporary use for public elementary school purposes connected with Merthyr Vale Council School; and three chapels seem to have been used in 1903-5 while alterations were being made to Aber-moralis Council School; and (b) that the financial statement of the local authority shows some £342 to have been paid in the shape of rent for premises used for public elementary school purposes during the year ending 31st March, 1906. I do not see that any useful purpose would be served by any such Return for seven years as is asked for in the concluding paragraph of the Question. The Board have to see that satisfactory accommodation is provided for the school children, whether temporary or permanent; and so long as this is satisfied the Board of Education are not concerned with discriminating between premises that are rented and premises that are purchased, or are specially erected.

MR. BRIDGEMAN: Do I understand that the chapels are used for temporary purposes only?

MR. BIRRELL: Yes, temporary purposes.

St. David's Schools, Merthyr Tydvil.

MR. BRIDGEMAN: I beg to ask the President of the Board of Education if he is aware that the Board is being invited by the local education authority in

Merthyr Tydvil to sanction the closing of the girls' and infants' departments in St. David's Schools; that the effect would be simply to transfer the children to an unsuitable building in a Nonconformist chapel at a rental of over £50 a year, whereas a large sum sufficient has been promised towards the rebuilding and improvement of the St. David's School, the plans approved, and the contract signed, work having only been suspended until the proposals as to school buildings in the Bill now before Parliament have definitely been settled; and whether he will state what action he proposes to take.

MR. BIRRELL: I must refer the hon. Member to the Answer that I gave on 28th November last to a Question from the hon. Member for Merthyr Tydvil concerning this school.† The Board have already some time since withdrawn recognition as from 31st December next of the girls' and infants' departments. The local authority have informed the Board that they "have arranged for suitable accommodation for the children at present attending the girls' and infants' departments." The authority are also about to submit a comprehensive scheme for a new and modern school building.

MR. BRIDGEMAN: Were not these buildings first approved and then disallowed?

MR. BIRRELL: I will inquire as to that.

Irish School Teachers.

MR. MURPHY (Kerry, E.): I beg to ask the President of the Board of Education whether he is aware that teachers trained in Irish colleges are graded as uncertified for two years after appointment in England, with the result that their salaries are considerably reduced; and whether he proposes to take any steps to alter this arrangement.

MR. BIRRELL: I think that the statements in the question are not altogether accurate. It is true that teachers trained in Irish colleges who come to England immediately on leaving those colleges are not eligible for recognition in this country as certificated

teachers until they have received their diplomas from the Irish Commissioners of Education; and that those Commissioners require two years of satisfactory teaching service, subsequent to the training college course, as a condition of granting those diplomas. But I do not think that this offers any ground for interference on my part, beyond that measure of relaxation which has been already made in this year's as compared with last year's code. It must be remembered that to give, as is suggested by the hon. Member, to these Irish candidates full recognition as certificated teachers in this country immediately after leaving the Irish training colleges, would render the young persons eligible for permanent head teacherships of public elementary schools—thus giving them in this country an advantage which they are not given, at that stage, in Ireland under the Irish Regulations.

MR. MURPHY: But Irish teachers, I can show, lose £20 or £30 a year by it.

MR. BIRRELL: I shall be glad to have information as to that.

Swansea Education Dispute.

LORD R. CECIL: I beg to ask the President of the Board of Education when the law officers were consulted upon the point of law raised in connection with the salaries paid to teachers in non-provided schools at Swansea; whether they have reported thereupon; and, if not, whether he can inform the House when he expects to receive their Report.

MR. BIRRELL: I have as yet nothing to add to the Answer given to the noble Lord on this matter on Monday last.‡ The case is before the law officers and is now being carefully considered by them.

London Technological College.

SIR W. J. COLLINS (St. Pancras, W.): I beg to ask the President of the Board of Education whether he is now in a position to state what the constitution of the governing body of the new Technological College in London will be, and what relation it will have to the Senate of the University of London; and whether, in the event of the

† See (4) *Debates*, clxvi., 36.

‡ See (4) *Debates*, clxvi., 1571.

incorporation of the college in the University being decided upon, any change will be made in the constitution and powers of the Senate of the University or of its councils and faculties.

MR. BIRRELL: I am of opinion that it will not be in the public interest to make any statement just yet in regard to the matters named in the Question, seeing that the negotiations are now at an advanced stage in which I have every hope of arriving shortly at a satisfactory settlement; and I am sure the hon. Member will share my anxiety to avoid doing anything which might hamper this process.

Swansea Education Authority Accounts.

LORD R. CECIL: I beg to ask the President of the Board of Education whether the Swansea Local Education Authority have failed to keep accounts showing the receipts and expenditure in respect of each non-provided school there; and, if so, for what reason.

MR. BIRRELL: The Board of Education do not require the production of accounts in any particular shape from local education authorities, that being a matter within the province of the Local Government Board. I do not know whether the Swansea local authority has or has not kept separate receipt and expenditure accounts for each voluntary school in its area. I am not aware of any reason why they should be compelled to do so; nor is it, so far as I know, by any means an invariable practice.

The Harcourt Statue.

MR. A. J. BALFOUR (City of London) asked the First Commissioner of Works whether, as it was a subject of general observation that the pedestal of the statue of Sir William Harcourt in the lobby ought to be lowered in the interest both of the statue as a work of art and of the appearance of the lobby, he would consider the matter.

THE FIRST COMMISSIONER OF WORKS (MR. HARCOURT, Lancashire, Rossendale) said it had come to his knowledge that the desire expressed by the right hon. Gentleman was one generally felt by the House, and therefore he would try to exhibit some plan for

the approval of Members in the usual manner in the tea room.

Blackpool Motor Car Fatality.

MR. CATHCART WASON: I beg to ask Mr. Attorney-General whether his attention has been directed to the death of a woman at Blackpool caused by the driver of a motor car driving negligently and beyond the statutory limit of twenty miles an hour; and if he will satisfy himself if it is a case in which the Public Prosecutor could be moved with the object of securing some security for life and limb of His Majesty's subjects.

THE ATTORNEY-GENERAL (Sir JOHN WALTON, Leeds, S.): I have seen the coroner's summing up, and the report of the chief constable and the Director of Public Prosecutions, and considered the prospect of another jury taking a different view, and I do not think I ought to intervene.

Illegal Trawling at Shetland.

MR. CATHCART WASON: I beg to ask the Secretary for Scotland if he is aware that complaints of illegal trawling from Shetland are more numerous at present than at any time during past years; and whether he has official information showing that this is to be accounted for by the persons committing these nefarious practices being shut out of the Moray Firth.

THE SECRETARY FOR SCOTLAND (MR. SINCLAIR, Forfarshire): I am informed that since August last there has been a considerable number of complaints of illegal trawling off the coasts of Shetland, and possibly these have been more numerous than the complaints from Shetland covering a similar period in recent years. This circumstance cannot, however, be associated with the exclusion of trawlers from the Moray Firth as a result of the recent decision in the High Court of Justiciary. As a matter of fact, no Norwegian trawlers have been detected fishing in Shetland waters since the date of the decision referred to.

North Sea Fisheries Investigation.

MR. CATHCART WASON: I beg to ask the Secretary for Scotland if he is aware of the dissatisfaction which exists with reference to the money expended on the international scientific

investigation of the North Sea; if he can state the practical results obtained from money expended in this direction; if it is proposed to continue the expenditure; and, if so, for how long.

MR. SINCLAIR: I am aware that there is a difference of opinion as to the value of the practical results obtained from the international inquiry which was inaugurated in 1902, but I may remind my hon. friend that under the existing arrangement that inquiry is to continue till July, 1907, while the preparation of Returns showing results must occupy a considerable period beyond that date. As to future arrangements I am in communication with the Treasury and can make no announcement at present.

Scottish Fishery Board Cruiser "The Goldseeker."

MR. CATHCART WASON: I beg to ask the Secretary for Scotland if he will recommend the Treasury to hand over the "Goldseeker," which is admirably suited for the purpose as an extra fishery cruiser, to the Scottish Fishery Board; and whether, in view of the fact that the Shetland waters are now the principal hunting grounds of poaching trawlers, and that fishing is practically the only industry and employment the islands afford, special precautions will be taken in that quarter.

MR. SINCLAIR: I am not in a position to make any statement in reference to the "Goldseeker" which is now employed in scientific investigations. One of the fishery cruisers has been exclusively employed in the Shetland waters for a considerable time and has been successful in obtaining convictions for illegal trawling. These waters have had their full share in the services of the fishery cruisers.

Duke Street Prison, Glasgow.

MR. WATT: I beg to ask the Secretary for Scotland if he will state how long a period has elapsed since applications were invited for the position of assistant medical officer for Duke Street Prison in Glasgow; and what steps, if any, have been taken to fill the vacancy.

MR. SINCLAIR: Since 30th August; but, so far as I am aware, there has been no call for the services of the assistant

medical officer in the meantime. I understand that an appointment will be made shortly.

Connaught Assizes—Agrarian Outrage Trial.

MR. LONSDALE: I beg to ask Mr. Attorney-General for Ireland whether his attention has been called to the trial of nine persons at Connaught assizes, charged with unlawful assembly on 7th November, and with beating the cattle of John Beirne; and whether, seeing that the jury disagreed, and the Judge said it was a great misfortune, he proposes to take any action in the matter.

THE ATTORNEY-GENERAL FOR IRELAND (MR. CHERRY, Liverpool, Exchange): My attention has been called to the result of the trial referred to in the Question, which, unfortunately, was a disagreement of the jury. I propose to adopt the usual course in such cases, namely, to put the accused upon trial again at the next assizes for the county of Roscommon, which will be held in March next.

Agrarian Trials at Connaught Assizes—Challenging Jurors.

MR. LONSDALE: I beg to ask Mr. Attorney-General for Ireland whether any convictions were obtained in the agrarian cases tried at the Connaught winter assizes last week; and whether, he will state the nature of the instructions issued with respect to the challenging of jurors.

MR. CHERRY: There were, as I am informed, only two cases of an agrarian nature for trial from the whole province of Connaught at the winter assizes, which have just concluded. Neither of these was of a very serious nature, involving either loss of life or injury to the person. The charges were for riot and unlawful assembly; and in both cases, unfortunately, the jury disagreed. The instructions issued by me to the Crown solicitors with respect to the challenging of jurors were to the effect that no juror should be ordered to stand aside on account of his religious or political convictions, but that if the Crown solicitor had information upon which he could rely that any particular juror was related to any of the accused, or that he had expressed any strong opinions on

the merits of the case, or that he had been canvassed on behalf of the accused and was for that reason unlikely to try the case impartially, he should order him to stand aside.

Drumkeeran Disturbances.

MR. LONSDALE: I beg to ask Mr. Attorney-General for Ireland whether his attention has been called to the trial at the Connaught Assizes of eight men charged with unlawful assembly at Drumkeeran on the 7th July; and, seeing that the jury disagreed, whether he proposes to take further action in the case.

MR. CHERRY: Yes, Sir. I propose to follow the usual course, namely, to put the accused upon trial again, at the next assizes for the county of Leitrim.

Kilgarvan Letter Delivery.

MR. BOLAND: I beg to ask the Postmaster-General whether he is now in a position to state what steps, if any, he proposes to take with a view to having a second delivery of letters at Kilgarvan, county Kerry.

THE POSTMASTER-GENERAL (Mr. SYDNEY BUXTON, Tower Hamlets, Poplar): The second post letters now reach Kilgarvan post office at 6.45 p.m., and are available to callers shortly afterwards. I am sorry to say that, owing to the comparatively high cost of the Kilgarvan postal service and to the small number of letters affected, I should not be justified in incurring additional expense for accelerating this service or for affording a house to house delivery of the second post letters.

Irish Post Office and the Irish Language.

MR. BOLAND: I beg to ask the Postmaster-General whether he is aware that an Irish addressed postcard was not delivered at the address of Messrs. Geoghegan, Lower Leeson Street, Dublin, until 1.30 p.m., although it bore in printed characters the English translation of the address, and should, in the ordinary course, have been delivered by the first morning post; can he state the cause of the delay; and what steps, if any, he proposes to take in order to prevent a repetition of this inconvenience to a business firm.

MR. SYDNEY BUXTON: From the position of the English address it was not clear that it was a translation of the Irish address and the card was sent to the proper officer for the address to be translated. A slight rearrangement of the printed addresses would prevent any possibility of a delay from the same cause in future.

MR. SWIFT MACNEILL: I beg to ask the Postmaster-General whether letters addressed in Irish to places within the county of Donegal, where the Irish language is largely spoken, are delayed no fewer than three days in delivery, being in all cases forwarded to Dublin for translation; and whether, having regard to the increase of correspondence in Irish, and to the inconvenience to which the Irish-speaking population are subjected through the present postal management, he will consider the desirability of appointing some Irish-speaking officials within the county.

MR. SYDNEY BUXTON: Letters addressed in Irish are sent to Dublin for translation only in cases where the addresses cannot be translated at the post offices at which the letters are first dealt with. It does not seem necessary to take any special steps in the direction suggested by the hon. Member in the latter part of his Question.

MR. SWIFT MACNEILL: Is the reason why the letters cannot be translated in post offices in Irish-speaking districts due to the fact that the post offices are manned by foreigners?

MR. SYDNEY BUXTON: No, Sir; but in many post offices there is no one capable of making the translation.

MR. SWIFT MACNEILL: Why not ask the next door neighbour?

MR. WILLIAM REDMOND: In New Zealand post offices telegrams are translated in the Maori language. Surely Ireland is as good as New Zealand.

Irish Trade Mark.

MR. BOLAND: I beg to ask the Secretary of State for Foreign Affairs whether he is aware that the Irish trade mark was registered on 8th December; and whether, with a view to

making the design of the mark known in places abroad where Irish goods bearing the mark are likely to obtain a sale, he will give facilities for the display of the design in various consular offices.

MR. RUNCIMAN: My right hon. friend understands that a trade mark was registered by the Irish Industrial Development Association on the 8th instant. There is no objection to the association sending specimens of the mark to His Majesty's consular officers.

The Hague Conference.

MR. GOOCH (Bath): I beg to ask the Prime Minister whether he is yet in a position to make a general statement of the intentions of His Majesty's Government in reference to the forthcoming Hague Conference; and, more particularly, whether they will consider the possibility of formulating proposals for the limitation of naval armaments, and of selecting as one of the representatives of Great Britain some statesmen of high position in sympathy with the cause of international peace.

SIR H. CAMPBELL-BANNERMAN: The proposals to be discussed at The Hague Conference are being carefully examined, including the question of the limitation of armaments on which the views of His Majesty's Government are already known. I am not in a position to give the names of the delegates who will represent Great Britain at the Conference, but they will eventually be chosen with the object of promoting the cause of peace.

Governorship of the Cape of Good Hope.

MR. WALKER (Leicestershire, Melton): I beg to ask the Prime Minister, seeing that there will shortly be a vacancy in the governorship of the Cape of Good Hope, and that both Parties in that Colony would appear to be in favour of the re-attachment of the High Commissionership to the governorship of the Cape of Good Hope, whether His Majesty's Government have considered the advisability of reverting to the former arrangement upon the inauguration of responsible government in the new Colonies; and, if so, whether he can make any statement on the subject.

SIR H. CAMPBELL-BANNERMAN: His Majesty's Government do not consider that it would be advisable or feasible to revert to the former arrangement for the present.

Proclamation on the Annexation of Natal.

MR. HAROLD COX: I beg to ask the Prime Minister whether his attention has been called to the proclamation that was issued by Sir George Napier, the governor of Cape Colony, in May, 1843, as a preliminary to the annexation of Natal, declaring that there shall not be in the eye of the law any distinction or disqualification whatever founded on mere distinction of colour, origin, language, or creed, but that the protection of the law in letter and in substance shall be extended impartially to all alike; whether this proclamation has at any time been withdrawn or modified; and, if not, whether His Majesty's Ministers will take steps to ensure the observance in letter and in substance of the promises made in the name of His Majesty's predecessor upon the Throne.

SIR H. CAMPBELL-BANNERMAN: The proclamation to which my hon. friend refers was that by which Natal was made into a Colony, and was issued many years before the Colony, after various changes, received complete self-government. When a full Legislature was instituted it had the ordinary powers to legislate without restriction, subject only to the assent of the Governor and the power of disallowance by the Crown.

BUSINESS OF THE HOUSE.

MR. A. J. BALFOUR asked whether the Prime Minister could give some information to the House as to business for the remainder of the session.

SIR H. CAMPBELL-BANNERMAN said he had nothing to add to the information already in the possession of the House. The only point in doubt was whether it was still the desire of hon. Gentlemen opposite to have a debate on the Army on Wednesday.

MR. A. J. BALFOUR said he did not desire himself to take any part in a debate on Army matters in the course of

the present session, as the time could not be far distant when the Secretary for War would be in a position, which the right hon. Gentleman was not at present, fully to explain his policy in regard to the Army, and he hoped none of his hon. friends desired to raise the question.

NEW BILL.

ABSENT VOTERS BILL.

"To facilitate the recording of Votes at Parliamentary Elections by Fishermen, Sailors, and other persons liable to habitual absence from their usual residence in pursuit of their calling," presented by Mr. Alexander Black; supported by Mr. Eugene Wason, Mr. Crombie, Mr. Bell, Mr. Arthur Henderson, Mr. Havelock Wilson, and Mr. Sutherland; to be read a second time upon Thursday, and to be printed. [Bill 375.]

THE WORCESTER VACANCY.

SIR A. ACLAND-HOOD (Somersetshire, Wellington), in accordance with notice, rose to move—"That Mr. Speaker do issue his warrant to the Clerk of the Crown to make out a new writ for the electing of a Member to serve in this present Parliament for the borough of Worcester, in the room of George Henry Williamson, Esq., whose election has been declared to be void."

MR. SWIFT MACNEILL (Donegal, S.) rose to a point of order. He said that the Motion could not properly be moved, because, by the ruling of the House, Government business took precedence for the remainder of the session. The right hon. Member's Motion, which was opposed by the Attorney-General, was not a Government Motion. Of course he was well aware that Motions for the issue of a new writ were ordinarily matters of privilege, and under the old rules could be moved at any time without notice, whilst under the new rules they could be made either at the commencement of business or at the conclusion. Having regard to the fact that the Motion for a writ might be a subject of controversy, he contended the House should have proper notice of it so that the matter might be discussed as an ordinary Motion. When

it was moved, it was absolutely essential that two days notice should be given. All these things divested this Motion of the essence of privilege. This was the first occasion on which a notice of this kind had been moved. Under the terms of the Resolution passed in August last the remainder of the session was given for Government business. This not being a Government Motion, being no immediate necessity for it, and as it could not be discussed until the commencement of next session, except in the extraordinary circumstances of the Government summoning the House specially to discharge public business, he asked for Mr. Speaker's ruling on the matter.

*MR. SPEAKER: In my judgment the right hon. Gentleman is entitled to move the writ now, first of all because I consider that the issue of a writ under the circumstances is still matter of privilege, even although notice must be given. But beyond that I would remind the hon. Member of the Resolution of 30th May last, dealing with this particular subject, which ordered—

"That in all cases, where the seat of any Member has been declared void on the ground of corrupt or illegal practices, no Motion for the issue of the new writ shall be made without two clear days previous notice on the notice Paper of the House,"

and I would especially call attention to the last words—

"and that such notice be considered before the orders of the day and notices of Motion."

Therefore the House has itself appointed the time at which this Motion may be taken.

SIR A. ACLAND-HOOD moved that Mr. Speaker do issue his warrant to the Clerk of the Crown to make out a new writ for the election of a Member for the borough of Worcester, in the room of Mr. George Henry Williamson, whose election had been declared to be void. He said he did not propose to quote any precedents. He had been a great many things in his life, but, thank Heaven! he had never been a lawyer. He thought the House would agree that when a vacancy occurred it was the duty of the person responsible to move the writ at an early opportunity, and if he failed to do so he would be guilty of a grave dereliction of duty. As regarded this

particular vacancy, it arose when the late Member for Worcester was unseated on petition. After that petition, this House in conjunction with the other House presented an address. In consequence of that joint address a Commission was appointed and that Commission had now reported. He proposed to deal very briefly with the conclusions arrived at, the first being that the constituency as a whole was not corrupt. If that were so—and it was the deliberate judgment of three most capable and expert lawyers after a very searching inquiry—there was no case for withholding the writ even temporarily from a city which had been represented in this House for many centuries. He came to the other conclusions of the Commission, which were that there existed in Worcester a class of voters, approximately 500, consisting mainly of the needy and loafing class, who were prepared to sell their votes for money, and, further, that the organised corruption in the city of Worcester was confined to that particular class. The conclusion—and, in passing, he might recommend it to those hon. Gentlemen opposite who wanted still further to lower the franchise—was that 500 men were prepared to sell their votes. Even after a searching inquiry, only ninety-eight persons were put in the schedule, and of these only twenty-nine were refused certificates of indemnity. There were in Worcester 8,412 electors, and he submitted that it was very unfair to 7,912 respectable men who had stood the searching inquiry and had come out with clean hands that they should suffer for the misdoings of ninety-eight men. He was as strong as any Member in believing that this House ought to maintain the purity of our electoral system. He thought the House had done its best to maintain that principle by voting an address for the appointment of a Commission to inquire into the late election at Worcester, but that Commission having reported that the constituency as a whole was not corrupt, it was a very strong order that the House should refuse the writ. Withholding a writ under any circumstances was a very grave matter. There were conceivable circumstances under which the power might be used in a very improper way, or if the House were divided, not by Party divisions, but

on some great national question, the withholding of a writ might mean the victory or the defeat of the Government of the day. The vast majority of the electors of Worcester, having been acquitted as a body of any general or organised corruption, were entitled to be once more represented in the House. Especially at a time like the present when very grave issues were before Parliament, it was only fair that the electors of Worcester should be given the right to have their opinions represented in this House at the earliest opportunity.

Motion made, and Question proposed, "That Mr. Speaker do issue his warrant to the Clerk of the Crown to make out a New Writ for the electing of a Member to serve in this present Parliament for the borough of Worcester, in the room of George Henry Williamson, esquire, whose election has been declared to be void."—(*Sir A. Acland Hood.*)

*THE ATTORNEY-GENERAL (Sir JOHN WALTON, Leeds, S.) said he could only regret that the profession to which he belonged was one which did not possess the right hon. Gentleman among its members, and he regretted still more that the right hon. Gentleman regarded his exclusion from that profession with a feeling of satisfaction. He was a little astonished that the right hon. Gentleman found in this Report grounds for the immediate issue of a writ for the election of a representative for the City of Worcester. He should have thought that the findings of the Commission gave serious reason for withholding for a considerable period the representation in this House of a city of which they had given such a discreditable account. The forms of the House precluded him from moving his Amendment in the way he would have chosen. The form of the Amendment was that the writ should not issue during the present session of Parliament. In his view, and in that of the Government, it should be suspended for a substantial period in order to allow the necessary steps to be taken which should follow the issue of such a Report as that which had been laid upon the Table. He would remind the House of the facts which had led to the present situation. Early in this year a Conservative Member was

returned by a majority of 189 for the City of Worcester. The seat was challenged by a petition which was presented and was heard by two learned Judges, who declared that there had been corruption and bribery, and that they had reason to suppose these practices had extensively prevailed. A Commission was appointed to investigate the foundation for the suspicion of the learned Judges. The Report had been laid upon the Table, and it was necessary under the statute that it should be examined, first of all by the Attorney-General with a view to the prosecution of all those persons who had rendered themselves obnoxious to the law, and in order to purge the electoral list of disqualified persons who were incriminated by the findings of the Commission. It was also necessary that the House itself should exercise some function in regard to the matter, and following precedent Parliament might disfranchise the whole city or certain persons in it, or they might suspend the representation for a period more or less long, having regard to the gravity of the charges in the Report. After the speech of the right hon. Gentleman he could not refrain from calling attention to one or two of its most salient features. In 1892 an election petition was presented against the return of the then Conservative Member, and the petition was dismissed. But the Commissioners found that at that period and since, in connection with both municipal and Parliamentary elections, bribery and treating had systematically prevailed in the city. They said that in every ward of the city there was a tainted element not only susceptible to the temptations of bribery and treating, but who would not vote unless they were either bribed or treated. One local leader of the Conservative Party had expressed his opinion that no political victory could be gained in the City of Worcester except by a candidate who resorted to bribery. Dealing with the causes which lead to this state of corruption, the Commissioners found that the main cause was due to the local branch of the National Conservative League. That body carried on the political education of the people of Worcester by means of lodges, which met in public-houses in different parts of the city. The shilling subscription entitled a member not only to have his political horizon enlarged, but to participate in

the dispensation of free drinks, which invariably followed at the expense of the chairman. The hospitality of these lodges, if not lavish, was at least liberal, and the invitations were not confined to members of the league. All Conservatives were cordially invited to attend, and there was no test of political opinion imposed before the concluding portion of the evening was reached when free drinks were handed round. This machinery was controlled by a local official, who was called the Provincial Grand Master, and by a curious coincidence he happened to have been the election agent of the Conservative candidate at the recent election. In 1892 the operations of this body came under judicial review, and Mr. Justice Wills characterised in vigorous terms the practice of dispensing drinks at political meetings convened under its auspices. He described it as "objectionable, demoralising and dangerous to the seat." But apparently the censure uttered on that occasion fell upon deaf ears. There was one bright glimpse in the picture. The operations of both political parties fell under review. In dealing with the Liberal Party, the Commissioners observed that in 1903 a new Liberal Association was formed. It declared that it would not countenance the resort to any corrupt or illegal practice, and the Commissioners found that the association had adhered to that determination, and that with the exception of a single charge of treating, which entirely failed when it was examined, no accusation of any corrupt or illegal practice had been made against any member of the Liberal Party. They were therefore assisted in their efforts to locate the tainted element to this extent—that they knew the political party to which it did not attach. The Commissioners pointed out that the extent of political corruption was probably less than at previous elections, and the amounts paid for votes probably lower. They attributed this not to any growth of electoral purity or any diminution in the vice of avarice, but to the fact, first, that the Liberal Party employed a private inquiry agent, the knowledge of whose presence exercised a restraining influence upon the other side; and, secondly, that the absence of competition caused the prices of votes to fall below the figures which formerly prevailed. If they were to ignore

all these facts and issue the writ in hot haste, what became of the law which remained to be vindicated; what became of the maintenance of the high standard of electoral purity in the conduct of these contests? Would it not make the task of purifying elections so very much more difficult if it could be said that, with the pages of this Report open to them, the House of Commons, on the motion of one of the great political parties, threw it into the wastepaper basket and issued the writ at once? He could not believe that the right hon. Gentleman had carefully considered the Report or could have observed that the 500 voters who constituted the corrupt element in Worcester gave to his party a majority of 189 at the last election, and that their allegiance, which was purchased then by an appeal to corrupt motives, might be now retained by an appeal to the feeling of resentment against the Government which had led to the exposure of their conduct.

Amendment proposed—

"In line 2, after the word 'do,' to insert the words 'not during the present session of Parliament.'"—(Mr. Attorney-General.)

Question proposed, "That those words be there inserted."

MR. AUSTEN CHAMBERLAIN (Worcestershire, E.) said he had the honour to be one of the representatives for Worcestershire, and therefore he thought he was entitled to take an interest in a question which concerned the county town of the county which he represented and in which he lived. He was moved to speak by the tone of the Attorney-General's observations. His right hon. friend the Chief Conservative Whip had scrupulously abstained from anything in the nature of political controversy, and from any attempt to make party capital out of the discussion. His right hon. friend could not have done less than move the issue of the writ, and he could not have done so in terms less open to challenge or giving a slighter justification for a provocative party attack. No member of the Opposition desired to palliate electoral corruption, wherever it took place, and if his right hon. friend's Motion were such as to prevent due notice being taken of the illegal acts committed at Worcester he

would not support it. But the criminal side of the procedure which should follow upon the Commissioners' Report would not be in the least affected by the issue of the writ. The Commissioners had found that there was in the City of Worcester—and let them have no cant, it existed in other cities—a certain corrupt element which had traded upon the anxiety of candidates on one side or the other, to get into Parliament. [An HON. MEMBER: One side.] That was not the fact. That corrupt element was in the opinion of the Commissioners limited to about 500 out of an electorate of nearly 9,000, while about 100 persons had been scheduled as guilty of corruption, and if now any one of those 100 voted in an election his vote would be disallowed on a scrutiny, so no candidate would desire to have any of those 100 votes. Why, because of the 100 or the 500 making the corrupt element, should the city of Worcester be indefinitely deprived of representation? What was the history of the Liberal Party as laid down by the Commission? The late Liberal candidate, to his honour, fought a pure election campaign. But did the Attorney-General pretend that his Party did not on previous occasions,—["Oh, oh."] did the hon. and learned Gentleman when he flung about his taunts and posed as the champion of political purity—

*SIR JOHN WALTON said he simply spoke of the findings of the Commission upon matters of fact.

MR. AUSTEN CHAMBERLAIN said the hon. Gentleman spoke of those findings which he wished to bring to the knowledge of the House, avoiding others, he ornamented them with his own suggestions as to where corruption lurked, and the hidden motives for moving for a writ; but when he posed as the special guardian of political purity did he pretend that his own Party did not dabble in the same practices previously? He could not do so. It was to be regretted that this tone had been introduced into the debate. Neither Party desired to defend corruption, but it was a very strong measure to delay the issue of a writ indefinitely when the Commission had reported that the corrupt element extended to a small portion only of the electorate, and when proceedings could be instituted against the scheduled persons whether the writ were

issued or not. He should vote for the Motion, as a protest against the disfranchisement of the great mass of incorruptible electors of Worcester and the tone of the Attorney-General's speech.

SIR E. CARSON (Dublin University) said that whatever way they looked at this matter the Motion of the Attorney-General would disfranchise for a time about 8,500 electors in consequence of the action of 500 people or thereabouts. The House would probably desire to act strictly in accordance with precedent in connection with such a proceeding. He thought the Attorney-General was going to say that the Government had not yet had time to consider what they ought to do in regard to the report furnished by the Commissioners. If he had taken that course, there would have been a good deal to be said in support of the Motion, but the hon. and learned Gentleman seemed to be of opinion that he could by making use of the Government majority suspend indefinitely the issue of a writ.

*SIR JOHN WALTON said he certainly had not submitted such a proposition. A writ could only be suspended for a definite period by Act of Parliament, but it was obvious that before a prosecution could be issued some

time must elapse, the prosecutions it instituted would take time, and the Government must also have time to consider the evidence not yet printed before deciding whether they should introduce a Bill. The notice of Motion appeared contemporaneously with the presentation of the Report, when the ink was scarcely dry, and before the evidence was printed. Later the view of the Government would be indicated.

SIR E. CARSON was sorry that the Attorney General, instead of making a provocative speech, did not state that the Government desired time to consider what they should do. This he had not done, and, listening to the speech, it might have been supposed that the Government had a right on a mere Motion to suspend the writ. On no occasion had there been, nor should there be, disfranchisement without the passing of a Bill by the House.

SIR A. ACLAND-HOOD remarked that ink must take long to dry at the Home Office, for the date of the Report was 22nd November, and it was laid on the Table on 10th December.

Question put.

The House divided:—Ayes, 263
Noes, 66. (Division List No. 499.)

AYES.

Abraham, William (Cork, N.E.)
Agnew, George William
Ainsworth, John Stirling
Alden, Percy
Ambrose, Robert
Asquith, Rt. Hon. Herbert Henry
Astbury, John Meir
Atherley-Jones, L.
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Baring, Godfrey (Isle of Wight)
Barker, John
Barlow, Percy (Bedford)
Barnard, E. B.
Barnes, G. N.
Beauchamp, E.
Beaumont, Hon. W. C. B. (Hexham)
Bell, Richard
Bellairs, Carlyon
Benn, W. (1st W^{est} Hamlets, S. Geo.)
Bertram, Julius
Bethell, Sir J. H. (Essex, Romford)
Bethell, T. R. (Essex, Maldon)
Billson, Alfred
Black, Alexander Wm. (Banff.)
Boland, John
Boulton, A. C. F. (Ramsey)

Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brocklehurst, W. B.
Brooke, Stopford
Bryce, Rt. Hon. James (Aberdeen)
Bryce, J. A. (Inverness Burghs)
Buchanan, Thomas Ryburn
Burke, E. Haviland
Burns, Rt. Hon. John
Buxton, Rt. Hon. Sydney Chas.
Byles, William Pollard
Cairns, Thomas
Cameron, Robert
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hon. Richard Knight
Cawley, Sir Frederick
Channing, Sir Francis Allston
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Winston Spencer
Cleland, J. W.
Clough, William
Cobbold, Felix Thornley
Cogan, Denis J.
Collins, Stephen (Lambeth)

Collins, Sir Wm. J. (S. Pancras)
Condon, Thomas Joseph
Cooper, G. J.
Corbett, C. H. (Sussex, E. Grins' d)
Cornwall, Sir Edwin A.
Cory, Clifford John
Cotton, Sir H. J. S.
Cowan, W. H.
Cox, Harold
Craig, Herbert J. (Tynemouth)
Cremier, William Randal
Crombie, John William
Crooks, William
Davies, M. Vaughan (Cardigan)
Davies, Timothy (Fulham)
Dickinson, W. H. (St. Pancras, N.)
Dilke, Rt. Hon. Sir Charles
Dolan, Charles Joseph
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Dunne, Major E. Martin (Walsall)
Elibank, Master of
Erskine, David C.
Essex, R. W.
Everett, R. Lacey
Faber, G. H. (Boston)
Fenwick, Charles
Ferens, T. R.

Mr. Austin Chamberlain.

Ffrench, Peter
 Findlay, Alexander
 Foster, Rt. Hon. Sir Walter
 Fowler, Rt. Hon. Sir Henry
 Freeman-Thomas, Freeman
 Fullerton, Hugh
 Gibb, James (Harrow)
 Gilhooly, James
 Gill, A. H.
 Ginnell, L.
 Gladstone, Rt. Hn. Herbert John
 Gooch, George Peabody
 Grant, Corrie
 Greenwood, G. (Peterborough)
 Gurdon, Sir W. Brampton
 Gwynn, Stephen Lucius
 Haldane, Rt. Hon. Richard B.
 Harcourt, Rt. Hon. Lewis
 Hardie, J. Keir (Merthyr Tydvil)
 Hardy, George A. (Suffolk)
 Hart-Davis, T.
 Harwood, George
 Haslam, James (Derbyshire)
 Haslam, Lewis (Monmouth)
 Haworth, Arthur A.
 Hedges, A. Paget
 Hemmerde, Edward George
 Henderson, Arthur (Durham)
 Henderson, J.M. (Aberdeen, W.)
 Herbert, T. Arnold (Wyeombe)
 Higham, John Sharp
 Hobart, Sir Robert
 Hogan, Michael
 Holland, Sir William Henry
 Hooper, A. G.
 Hope, W. Bateman (Somerset, N.)
 Horniman, Emslie John
 Howard, Hon. Geoffrey
 Hudson, Walter
 Hyde, Clarendon
 Idris, T. H. W.
 Isaacs, Rufus Daniel
 Jacoby, Sir James Alfred
 Jardine, Sir J.
 Johnson, W. (Nuneaton)
 Jones, Leif (Appleby)
 Jowett, F. W.
 Joyce, Michael
 Kekewich, Sir George
 Kincaid-Smith, Captain
 Laidlaw, Robert
 Lamb, Ernest H. (Rochester)
 Lambert, George
 Layland-Barratt, Francis
 Leese, Sir Joseph F. (Accrington)
 Lehmann, R. C.
 Lever, A. Levy (Essex, Harwich)
 Lever, W. H. (Cheshire, Wirral)
 Lewis, John Herbert
 Lloyd-George, Rt. Hon. David
 Lough, Thomas

Lundon, W.
 Lupton, Arnold
 Lyell, Charles Henry
 Macdonald J.M. (Falkirk B'ghs)
 Mackarness, Frederic C.
 MacNeill, John Gordon Swift
 MacVeagh, Jeremiah (Down, S.)
 M'Callum, John M.
 M'Crae, George
 M'Kenna, Reginald
 M'Killop, W.
 M'Laren, H. D. (Stafford, W.)
 M'Micking, Major G.
 Maddison, Frederick
 Mallet, Charles E.
 Manfield, Harry (Northants)
 Marks, G. Croydon (Launceston)
 Marnham, F. J.
 Meagher, Michael
 Micklem, Nathaniel
 Molteno, Percy Alport
 Montagu, E. S.
 Morrell, Philip
 Morse, L. L.
 Murphy, John
 Myer, Horatio
 Napier, T. B.
 Newnes, F. (Notts., Bassetlaw)
 Nicholson, Chas. N. (Doncaster)
 Nolan, Joseph
 Norman, Sir Henry
 Norton, Capt. Cecil William
 O'Brien, Kendal (Tipperary Mid)
 O'Brien, Patrick (Kilkenny)
 O'Connor, James (Wicklow, W.)
 O'Loherty, Philip
 O'Kelly, James (Roscommon, N.)
 O'Malley, William
 O'Mara, James
 O'Shaughnessy, P. J.
 Parker, James (Halifax)
 Partington, Oswald
 Paul, Herbert
 Pearce, Robert (Staffs. Leek)
 Philipps, Col. Ivor (South'mpt'n)
 Pickersgill, Edward Hare
 Pollard, Dr.
 Power, Patrick Joseph
 Price, C. E. (Edinburgh, Central)
 Radford, G. H.
 Rainy, A. Roland
 Raphael, Herbert H.
 Rea, Russell (Gloucester)
 Reddy, M.
 Redmond, John E. (Waterford)
 Redmond, William (Clare)
 Rees, J. D.
 Richards, T. F. (Wolverhampton)
 Ridsdale, E. A.
 Roberts, G. H. (Norwich)
 Robertson, Rt. Hn. E. (Dundee)

Robertson, J. M. (Tyneside)
 Robson, Sir William Snowdon
 Roche, Augustine (Cork)
 Rogers, F. E. Newman
 Rowlands, J.
 Runciman, Walter
 Russell, T. W.
 Rutherford, V. H. (Brentford)
 Samuel, Herbert L. (Cleveland)
 Schwann, C. Duncan (Hyde)
 Schwann, Sir C.E. (Manchester)
 Sears, J. E.
 Seaverns, J. H.
 Seely, Major J. B.
 Shackleton, David James
 Shaw, Rt. Hon. T. (Hawick B.)
 Sheehy, David
 Shipman, Dr. John G.
 Sinclair, Rt. Hon. John
 Smeaton, Donald Mackenzie
 Smyth, Thomas F. (Leitrim, S.)
 Snowden, P.
 Spicer, Sir Albert
 Steadman, W. C.
 Stewart, Halley (Greenock)
 Straus, B. S. (Mile End)
 Strauss, E. A. (Abingdon)
 Sullivan, Donal
 Tennant, Sir Edward (Salisbury)
 Thomas, Sir A. (Glamorgan, E.)
 Thorne, William
 Toulmin, George
 Verney, F. W.
 Waldron, Laurence Ambrose
 Walker H. De. R. (Leicester)
 Wallace, Robert
 Walton, Sir John L. (Leeds, S.)
 Walton, Joseph (Barnsley)
 Ward, John (Stoke upon Trent)
 Ward, W. Dudley (Southampton)
 Wardle, George J.
 Warner, Thomas Courtenay T.
 Wason, Eugene (Clackmannan)
 Wason, John Cathcart (Orkney)
 Waterlow, D. S.
 Watt, H. Anderson
 Whitbread, Howard
 White, J. D. (Dumbartonshire)
 White, Patrick (Meath, North)
 Whitehead, Rowland
 Whittaker, Sir Thomas Palmer
 Williams, Llewelyn (Carmarth'n)
 Williamson, A.
 Wilson, Hn. C.H.W. (Hull, W.)
 Wilson, W. T. (Westhoughton)
 Wood, T. M'Kinnon
 Yoxall, James Henry

TELLERS FOR THE AYES—Mr.
 Whiteley and Mr. J. A.
 Pease.

NOES.

Arkwright, John Stanhope
 Ashley, W. W.
 Aubrey-Fletcher, Rt. Hn. Sir H.
 Baldwin, Alfred
 Balfour, Rt. Hn. A.J. (City Lond.)
 Banbury, Sir Frederick George
 Beach, Hn. Michael Hugh Hicks
 Beckett, Hon. Gervase

Bridgeman, W. Clive.
 Butcher, Samuel Henry
 Carlile, E. Hildred
 Carson, Rt. Hon. Sir Edw. H.
 Castlereagh, Viscount
 Cave, George
 Cecil, Evelyn (Aston Manor)
 Cecil, Lord John P. Joicey-

Chamberlain, Rt. Hn. J.A. (Worc.)
 Courthope, G. Lloyd
 Craik, Sir Henry
 Douglas, Rt. Hon. A. Akers-
 Duncan, Robert (Lanark, Govan)
 Faber, Capt. W. V. (Hants, W.)
 Fardell, Sir T. George
 Fell, Arthur

Finch, Rt. Hon. George H.
 Fletcher, J. S.
 Gibbs, G. A. (Bristol, West)
 Hamilton, Marquess of
 Harrison-Broadley, Col. H. B.
 Hay, Hon. Claude George
 Heaton, John Henniker
 Hervey, F. W. F. (Bury St. Edmunds
 Hills, J. W.
 Houston, Robert Paterson
 Hunt, Rowland
 Kenyon-Slaney, Rt. Hon. Col. W.
 Keswick, William
 Kimber, Sir Henry
 Lee, Arthur H. (Hants, Fareham)
 Liddell, Henry

Lockwood, Rt. Hon. Lt.-Col. A. R.
 Lonsdale, John Brownlee
 Lyttelton, Rt. Hon. Alfred
 Marks, H. H. (Kent)
 Mason, James F. (Windsor)
 Meysey-Thompson, E. C.
 Mildmay, Francis Bingham
 Morpeth, Viscount
 O'Neill, Hon. Robert Torrens
 Percy, Earl
 Powell, Sir Francis Sharp
 Roberts, S. (Sheffield, Ecclesall
 Rutherford, W. W. (Liverpool)
 Salter, Arthur Clavell
 Sassoon, Sir Edward Albert
 Scott, Sir S. (Marylebone, W.)

Sloan, Thomas Henry
 Talbot, Lord E. (Chichester)
 Thornton, Percy M.
 Vincent, Col. Sir C. E. Howard
 Walrond, Hon. Lionel
 Wilson, A. Stanley (York, E.R.)
 Wolff, Gustav Wilhelm
 Wortley, Rt. Hon. C. B. Stuart-
 Wyndham, Rt. Hon. George
 Younger, George

TELLERS FOR THE NOES—
 Sir Alexander Acland-Hood
 and Viscount Valentia.

Main Question, as amended, put, and agreed-to.

Ordered, That Mr. SPEAKER do not, during the present Session of Parliament, issue his Warrant to the Clerk of the Crown to make out a New Writ for the electing of a Member to serve in this present Parliament for the Borough of Worcester, in the room of George Henry Williamson, Esquire, whose election has been declared to be void.

TRANSVAAL AND ORANGE RIVER COLONIES (CONSTITUTIONS).

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.) in moving "That this House approves the grant of Constitutions conferring responsible government upon the peoples of the Transvaal and Orange River Colonies," said: Letters Patent have been issued during the last week conferring a Constitution upon the Transvaal Colony. These instruments have now been for some days at the disposal of the House, and this afternoon affords an occasion for their discussion. Other Letters Patent conferring a Constitution upon the Orange River Colony are in an advanced state of preparation, and I think it would be for the general convenience of the House if I were to make a general statement as to the character and scope of that Constitution. With that view I have, by the direction of the Prime Minister, placed upon the Paper the Resolution which I now move, and which permits a general discussion upon the constitutional arrangements which we are making both in the Transvaal and in the Orange River Colony. Now,

Sir, by the Treaty of Vereeniging, Great Britain promised full self-government to the peoples of the two Boer Republics which had been conquered and annexed as the result of the war. This intention of giving responsible government did not arise out of the terms of peace, although it is, of course, solemnly expressed in them. It has always been the settled and successful colonial policy of this country during the last fifty years to allow great liberties of self-government to distant communities under the Crown, and no responsible statesman and no British Cabinet, so far as I know, ever contemplated any other solution of the South African problem but that of full self-government. The idea which I have seen put forward in some quarters, that in order to get full satisfaction for the expense and the exertions to which we were put in the war we are bound to continue governing those peoples according to our pleasure and against their will, and that that is, as it were, an agreeable exercise which is to be compensation for our labours, is an idea which no doubt finds expression in the columns of newspapers, but to which I do not think any serious person ever gave any countenance. No, Sir, the ultimate object was not lost sight of even in the height of the war, namely, the bestowal of full self-government; and as all parties were agreed that some interval for reconstruction must necessarily intervene, the only questions at issue between us have been questions of manner and questions of time. First as to manner. I notice that the right hon. Gentleman the Member for St. George's, Hanover Square, the other day said that the manner in which we had given this Constitution to the Transvaal was a breach of the terms of peace.

MR. LYTTTELTON: I do not think I said that.

MR. CHURCHILL: I do not press the point if the right hon. Gentleman did not say so. He was certainly reported to that effect.

MR. LYTTTELTON: I do not think I said it.

MR. CHURCHILL: Then we are agreed as to the manner, in so far as it is not suggested that there is any breach of the terms of peace in the omission of the representative Government stage. I am very glad to have that admission, because I was about to assert most clearly that so far from being a breach of the spirit of the terms of peace, the step we are taking in the Transvaal to give full responsible government at once is a more precise and punctual fulfilment of those terms. Then, Sir, how much difference is there between Parties in this House as to time? It is now more than three years since Lord Milner, speaking in the Inter-colonial Council, bore emphatic testimony to the faithfulness with which the Boers—those who had been fighting against us—had observed their side of the terms of peace. Lord Milner said—

“It is perfectly true that the Boer population, the men who signed the terms of peace at Vereeniging, have loyally observed those terms and have carried them out faithfully. They profess to-day, and I absolutely believe them, that no idea of an armed rising or unlawful action is in their minds. I may say I am in constant, perhaps I should say frequent, communication with the men who in the war fought us so manfully and then made manful terms. We differ on many points, no doubt, and I do not expect them to rejoice with us in what has happened, or to feel affection for a man who, like myself, has been instrumental in bringing about the great change which has come over the Constitution of the country. But I firmly believe their word when they come forward and meet us, and without professing to agree in all respects with the policy of the Government, declare that they desire to co-operate in all questions affecting the prosperity of the country and the maintenance of public order. I accept the assurance they give in that respect, and I think it is practically impossible to put your hands on anything done by myself or any member of the Government which can be regarded as a manifestation of distrust of the men who have shown themselves, and do show themselves, men of honour. Let me say then, I am perfectly satisfied that so great is the influence of their leaders over the minds of the main section of the Boer population that

so long as those leaders maintain that attitude a general rising is out of the question.”

Those are the words which Lord Milner used three years ago, and I think they are words which do justice to the subject and to the speaker. But more than two years have passed since the representations were made to the right hon. Gentleman the Member for St. George's, Hanover-square, which induced him to confer a measure of self-government on the Transvaal. Those representations laid stress on the fact that the desire for self-government was not put forward only by the Boers, but that both sections of the community in the Transvaal desired to take the control of affairs into their own hands. The right hon. Gentleman published a Constitution. That Constitution conferred very great and wide powers. It conferred upon an overwhelming elected majority the absolute power of the purse and control over legislation. But it has always been my submission to the House that that Constitution had about it no element of permanence, that it could not possibly have been maintained as an enduring, or even a workable, settlement; and I am bound to say—I do not wish to be controversial this afternoon if I can avoid it—that, when I read the statement that this representative Government stage would have been a convenient educative stage in the transition to full self-government, the whole experience of British colonial policy does not justify such an assumption. The system of representative Government without responsible Ministers, without responsible powers, has led to endless friction and inconvenience wherever and whenever it has been employed. It has failed in Canada, it has failed in Natal and Cape Colony. It has been condemned by almost every high colonial authority who has studied this question. I do not think I need quote any more conclusive authority upon that subject than that of Lord Durham. Lord Durham, in his celebrated Report, says of this particular system—

“It is difficult to understand how any English statesmen could have imagined that representative and irresponsible Government could be successfully combined. There seems, indeed, to be an idea that the character of representative institutions ought to be thus modified in Colonies; that it is an incident of colonial dependence that the officers of government should

be nominated by the Crown without any reference to the wishes of the community whose interests are entrusted to their keeping. It has never been very clearly explained what are the Imperial interests which require this complete nullification of representative Government. But if there is such a necessity, it is quite clear that a representative Government in a Colony must be a mockery and a source of confusion, for those who support this system have never yet been able to devise or exhibit in the practical working of colonial Government any means for making so complete an abrogation of political influence palatable to the representative body."

I contend that the right hon. Gentleman's Constitution would have broken down in its first session, and that we should have then been forced to concede grudgingly and in a hurry the full measure of responsible Government which, with all due formality and without any precipitancy, the Letters Patent issued last week have now conferred. But even the right hon. Gentleman himself did not intend his Constitution to be a permanent settlement. He intended it to be a transition, and a brief transition; and in the correspondence which passed on this subject two or three years is sometimes named as the period which such a Constitution might conveniently have endured—two or three years, of which, let me point out to the House, nearly two years have already gone. Seeing how little difference there is between us upon that question, I dispense with further argument as to the grant of a Transvaal Constitution, as I see the course we have adopted does commend itself to the good sense of all Parties in this country and is sustained at almost every point by almost every person conversant with South African affairs. It is said, we have heard it often said, "It may be wise to grant responsible Government to the Transvaal, but it is not wise to give it to the Orange River Colony. Why should you give it to the Orange River Colony too?" I say, "Why not?" Let us make it quite clear that the burden of proof always rests with those who deny or restrict the issue of full Parliamentary liberties. They have to make their case good from month to month, and from day to day. What are the reasons which have been advanced against the issue of a constitution to the Orange River Colony? A variety of reasons has been put forward. We have

been told that the Colony is not ripe for self-government. When you have very small communities of white men in distant and immense territories, and when those communities are emerging from a wild into a more settled condition, then it is very necessary and very desirable that the growth of self-governing institutions should be gradual. But that is not the situation in the Orange River Colony. The Orange Free State was the model small republic of the world. The honourable traditions of the Free State are not challenged by any who take the trouble to study its history either in the distant past, or in the years just immediately preceding the South African war. The right hon. Gentleman the Member for West Birmingham himself, speaking in this House on 7th December, 1900, used language which, I think, should go far to dissipate the idle fears which we hear expressed in various quarters upon the grant of self-government to the Orange River Colony—

"We do not propose,"

said the right hon. Gentleman,

"that the constitution of the Orange River Colony should necessarily be the same as the Constitution of the Transvaal, Colony, either at starting or in the immediate future. It will be dealt with upon its own merits, dealt with separately, and we think it possible—"

I ask the House to mark this—

"from the circumstances with which every one is familiar, that an earlier beginning to greater political liberty may be made in the Orange River Colony than in the Transvaal. That is due to the fact that the Government of the Orange River Colony previous to the war was by common consent a very good Government, and consequently, speaking generally, of course, and not of individuals, we shall find there probably the means to creating a satisfactory administration more quickly than we can do in the case of the Transvaal Colony."

Then we have been told that responsible government presupposes party government, and that in the Orange River Colony there are not the elements of political parties, that there is not that diversity of interests which we see in the Transvaal, that there are not the same sharp differences between town and country, or the same astonishing contrasts between wealth and poverty which prevail in the Transvaal. And we are told that, in order that responsible

government should work properly, that party government should be a success, there must be the essential elements of party conflict. I suppose we are all in this House admirers of the party system of government; but I do not think that we should any of us carry our admiration of that system so far as to say that the nation is unfit to enjoy the privilege of managing its own affairs unless it can find some one to quarrel with and plenty of things to quarrel about. Then we are told that—"The country is prospering as it is. Why change now? The land is tranquil, people are regaining the prosperity which was lost in the war. It is a pity to make a change now; now is not the moment." I admit the premise—I shall have something to say before I sit down about the economic conditions of the Orange River Colony—but I draw exactly the opposite conclusion from that premise. It is just for that reason that we should now step forward and, taking occasion by the hand, make an advance in the system of government. How often in the history of nations has the golden opportunity been allowed to slip away! How often have rulers and Governments been forced to make in foul weather the very journey which they have refused to make prosperously in fair weather! Then we are told that Imperial interests would be endangered by this grant. I do not believe that that is so. The Boer mind moves by definite steps from one political conception to another. I believe they have definitely abandoned their old ambition of creating in South Africa a united states independent of the British Crown, and have accepted that other political ideal which is represented by the Dominion of Canada and the Commonwealth of Australia. At any rate, no people have a greater right to claim respect on the ground of their loyal adherence to treaty engagements than the people of the Orange River Colony; for everyone knows that it was with a most faithful adherence to their engagements, with almost Quixotic loyalty, that they followed, many of them knowing where their fortune was going to lead them, knowing full well what would be the result of their action, their sister State into the disastrous struggle of the South African

war. It is quite true that there is in existence at the present time, and I think Lord Milner has pointed it out, no bond of love between the men who fought us in that war and this country. I was reading the other day a speech by Mr. Steyn. Mr. Steyn is, of course one of the most clearly avowed opponents of the British power. But Mr. Steyn is quite clear upon this point. He says there is no bond of love, and it would be untruthful and dishonest on their part to say that such a bond existed. But, he says, there is another bond, there is such a thing as a man's word of honour; "we gave our word of honour at Vereeniging, and it is our intention to abide strictly by that." I state my opinion as to the safety of this step we propose to take, but I cannot expect right hon. and hon. Gentlemen opposite to set much store by that, although it is an honest and sincere opinion. But I will quote them an authority which I am sure they will not dismiss without respect. As soon as the right hon. Member for West Birmingham returned from South Africa, while his experiences in that country were fresh in his mind, while he had but newly been conversing with men of all parties there on the spot, the scene of the struggle, he made a speech in this House which really ought not to be overlooked by persons dealing with this question.

"Great importance, said the right hon. Gentleman, "seems to be attached to the view that in the interests of the two Colonies it is desirable that a certain time, not a long time in the history of a nation, but still a certain time should elapse before full self-government is accorded. Whether a long time will elapse I really cannot say. One thing is clear; if the population of the Transvaal and Orange River Colony, both Boer and Briton, by a large majority, desire this self-government, even although it might seem to us to be premature, I should think it unwise to refuse it. I do not myself believe there is any such danger connected with Imperial interests that we should hesitate to accord it on that ground. The ground on which I should desire that it might be delayed is really the interest of the two Colonies themselves, and not any Imperial interest."

MR. SWIFT MACNEILL: What date was that?

MR. CHURCHILL: 19th March, 1903, three years ago. The peace and order

of the Orange River Colony establishes this case on its merits. It is a State bound to moderation by the circumstance of its geographical position. In all its history in South Africa it has been largely dependent on the goodwill of its neighbours, goodwill and friendly relations maintained with Natal and the Transvaal, on the one hand, and with the Cape Colony on the other. It is inconceivable that a State so situated in regard to its railways and its economical position generally should be a disturbing influence from the point of view of the different States of South Africa. But there is another fact which justifies this grant, and that is the extraordinary crimelessness in a political sense of the whole of that country. Let the House remember that there had been three years war, of which two years were fierce guerilla fighting, and that on all sides there were to be found desperate men who had been for a long period holding their lives in their hands and engaged on every wild and adventurous foray. Peace is agreed on, and what happens? Absolute order exists and prevails throughout the whole country from that moment. There has not been a single case of violent crime except, I believe, one murder committed by a lunatic—hardly a case of sedition—and not a single case of prosecution for treason of any kind. I say without hesitation that in order to find a similar instance of swift transition from violent warfare to law-abiding peace you have got to look back to the days when the army of the Parliament was reviewed and disbanded at the Restoration. I submit to the House that a case for conferring responsible Government on the Orange River Colony is established on its merits. But that is not the whole question before us this afternoon. We have not merely to decide whether we will give a Constitution to the Orange River Colony, but whether having given a Constitution to the Transvaal we will deliberately withhold one from the Orange River Colony; and that is an argument which multiplies the others which I have used. On what ground could we refuse that equal treatment of the Orange River Colony? There is only one ground which we could assign for such a refusal, and that is that in the Orange River Colony there is sure to be a Dutch

majority. I cannot conceive any more fatal assertion that could be made on the part of the Imperial Government than that on this specific racial ground they were forced to refuse liberties which otherwise they would concede. I say such a refusal would be an insult to the hundreds and thousands of loyal Dutch subjects the King has in all parts of South Africa. I say that this invidious treatment of the Orange River Colony would be the greatest blunder, a fitting pendant to all that long concatenation of fatal mistakes which has marked our policy in South Africa for so many years; and I say it would be a breach of the spirit of the terms of peace, because we could not say, "We promised you self-government at the terms of peace, but what we meant by that was that before you were to have self-government enough persons of British origin should have arrived in the country to make quite sure you would be outvoted." If we were to adopt such a course we should be false to that agreement, which is the great foundation of our policy in South Africa. I hope the House will earnestly sustain the importance of that Vereeniging agreement. For the first time in many years the two white races dwelling together in South Africa have found a common foundation on which they can both build, a foundation much better than Boomplaats, or the Sand River Convention, or the Conventions of 1880 and 1884, far better than Majuba Hill or the Jameson Raid. They have found a foundation which they can both look to without any feeling of shame, on the contrary with feelings of equal honour, and I trust also with feelings of mutual forgiveness. On those grounds, therefore, we have decided to give to the Orange River Colony full responsible government. We eschew altogether the idea of treating them differently from the Transvaal, or interposing any state of limited self-government between them and the full enjoyment of their right. There is to be a Legislature which will consist of two Chambers, as in the Transvaal. The first Chamber will be elected upon a voters' basis and by manhood suffrage. The residential qualification will be the same as in the Transvaal, six months. The distribution of seats has been settled by general consent. The Committee which

we sent to South Africa, and which was so very successful in arriving at an adjustment between the parties in the Transvaal, have made similar investigations in the Orange River Colony, and I think we may accept with confidence their recommendation. They recommend that the number of members should be thirty-eight. The old Volksraad had sixty members, but it was found to be much too large for the needs of the country, and on several occasions efforts were made to reduce the representation. Those efforts were not successful, from the fact, which we all can appreciate, that it is very difficult indeed to get a representative body to pass a self-denying ordinance of that character which involves the extinction of its own members. There will be separate representation of towns in the Orange River Colony. In the Volksraad there was such a representation, there were forty-two rural members and eighteen urban members. Out of the thirty-eight we propose that there shall be twenty-seven rural members and eleven urban members; rather less than a third of the representation will be that of the small towns. That is a proportion which is justified by the precedent of the old Constitution, and also by the latest census, of 1904. As in the case of the Volksraad, every magisterial district will be represented. The allocation of members among the constituencies thus delimited will proceed on an arithmetical basis. We take the adult males in the census of 1904, and arrive at our quota for distribution, which is 1,058. Half a quota entitles a town or a district to a member, and an additional whole quota entitles a town or district to a second member. That is an arithmetical device to govern the working of automatic redistribution, and to regularise a distribution otherwise supported by precedent and by general agreement. I will read the schedule of the constituencies. There will be two members each to the districts of Bloemfontein, Kroonstad, Rouxville, and Winburg; one member each to the districts of Bethlehem, Bethulie, Boshof, Edenburg, Ficksburg, Frankfort, Harri-smith, Heilbron, Hoopstad, Ladybrand, Lindley, Philippolis, Senekal, Smithfield, Thaba 'Nchu, Vrede, Vredefort, and Wepener; one member to the districts

of Fauresmith and Jacobsdal together. The following are the towns: Bloemfontein, five members; Harri-smith and Kroonstad, one each; one member for Bethlehem, Fouriesburg, and Ficksburg together; one for Jagersfontein and Koffyfontein together; one for Parys, Vredefort, and Heilbron together; and one for Ladybrand and Thaba 'Nchu together. There will be a Second Chamber, and, as in the Transvaal, it will be nominated, and for the first time only. It will be nominated by the Governor under instructions from the Secretary of State, and vacancies will be filled up by the Governor in Council—that is to say, the Governor on the advice of his responsible Ministers. A Second Chamber is not, perhaps, a very pleasant object for us to contemplate; but, at any rate, it is not an hereditary Chamber; and it may be, therefore, assumed that the distribution of parties in that Chamber will be attended by some measure of impartiality, and that there will be some general attempt to select only those persons who are really fit to exercise the important functions entrusted to them. But even so protected, the Government feel that in the ultimate issue, in a conflict between the two Chambers, the lower and representative Chamber must in the end prevail. The other body may review its proceedings, may delay them, but if measures are sent up in successive sessions from the representative Chamber and no agreement can be reached, we have introduced the machinery which appears in the Constitution of the Australian Commonwealth, that both Chambers shall sit together, debate together, vote together, and the majority shall decide. The whole success of that operation depends upon the numerical proportion observed between the two Chambers. In the Australian Commonwealth the proportion is rather more than two to one, but in the Transvaal the proportion will be more than four to one, namely, sixty-five to fifteen; and in the Orange River Colony it will be thirty-eight to eleven. Members of both Chambers will receive payment for their services; £300 a year is the maximum that can be paid to any member; £150 is paid to a member with £2 a day extra for every day of attendance in the course of the session. I am sure that such a wise provision will

have the effect of limiting the length of the session very much, and no doubt, if it were included in a measure for the payment of members introduced in this House, it would receive the widest support from all Parties. The other provisions of the Constitution will mainly follow the lines of the Transvaal. There will be the same reservation in regard to legislation which imposes a difference between man and man on account of race. These reservations are common in all colonial Constitutions. I think we could not do more; we could not, I am sure, have done less. There will be a schedule of pensions for retiring officers of the Executive, as in the case of the Transvaal, and that schedule will be calculated strictly upon the Treasury rule which prevails in this country. For every year of service one-sixtieth of the salary is allowed, but on account of the abolition of office, when the service has exceeded five years, five years additional will be allowed, and in the case of professional attendance, following the Treasury rule in this country, ten years extra will be allowed in the case of the Attorney-General, both of the Transvaal and the Orange River Colony. The sums involved are smaller sums than have attended the grant of self-government in other Colonies. There will be very nearly the same reservation in respect to land settlement. I will remind the House that on 5th July last I had to outline certain proposals which we intended to make to various parties in South Africa. We inquired whether any local support would be given to the plan for continuing the planting of new settlers on the land. We could get none. No effective support of any kind was forthcoming for the continuance or the expansion of that system. Even those gentlemen who undertook to underwrite the loan of £10,000,000 which was to be repaid to this country evinced no special desire to come forward and apply a smaller proportion of that sum for the purpose of land settlement. Therefore the Government have abandoned the matter altogether. But in regard to the existing settlers we feel under a distinct obligation. We feel that a sympathetic administration was one of the essential conditions of their tenancies, and we feel that a Land Board, nominated and formed as outlined in the

Transvaal Letters Patent, is the only effective way of interposing a screen between mortgagor and mortgagee. But in making this arrangement I repudiate altogether any slur upon the humanity or sense of justice of the Boers or any other section which will vote in the election of the new Parliament. The Boers, indeed, are the last people to be uncharitable to the farming people. But we are bound to deal directly with the settlers. We have been informed—and although I do not like the language which has been used, I cannot quarrel with it in substance—that it is an obligation of honour upon the Imperial Government to relieve these settlers from any anxiety which they genuinely feel and which is shared by hon. Gentlemen opposite. Therefore we have decided to elect a Land Board as described—a Land Board which will have no power to put any more new settlers on the land, which will last only five years to enable the existing settlers to take root, and which may be dissolved sooner if it is found satisfactory to all parties. In regard to the contribution which it was proposed to secure to this country as a payment towards the expenses of the war, the Government fully and frankly forgive and obliterate, and let us trust also forget, any obligation which may have been incurred on that head. We put that away. Let the House not overlook the fact that in the expectation of a payment of that character this House was induced to guarantee the interest of the loan of £35,000,000, amounting to £350,000 a year; or, in other words, a permanent endowment of £350,000 a year has been conferred upon the people of the two colonies. That fact must be regarded as establishing an acquittance in full on the part of the Imperial Government for any claims—for any further compensations or for any outstanding obligation—no matter where or by whom they may be in future brought forward. What is the condition of the Orange River Colony to whom we are now going to entrust a Parliament for the management of its own affairs? It has long been noticed how very rapidly a country devastated by war recovers from the effects of war. That is especially true of the Orange River Colony. Not only has the ruin of the country been most swiftly repaired,

but every evidence shows that when the live stock have multiplied, as they must in the course of a few years, the country will have risen to a level of prosperity far above anything it has never known before. The population has increased from 96,000 before the war to 143,000. The railways have doubled, from 400 miles to 800 miles. Telegraphs have more than doubled, from 1,700 to 3,700. In 1898 Customs amounted to £1,190,000, and yielded £160,000 in duty at a cost of £3,500 in collection. In 1904-5 Customs amounted to £4,050,000, yielded £314,000, and cost in collection £8,100. Although there has been no extra taxes, except the 10s. poll tax, ear-marked for educational purposes, and no grant-in-aid, and large railway rebates have been made, the revenue of the country which before the war was £391,000, has increased to between £700,000 and £800,000 a year, and after providing improved Government buildings of all kinds, museums, colleges, and hospitals there remains a balance of £150,000, accumulated out of annual savings. Schools have been rebuilt and multiplied. Before the war there were 8,000 children in 200 schools, with 313 teachers. There are now 16,000 children in 262 schools and 515 teachers. Mails have increased from 17,000,000 in 1898, to 43,000,000 last year. The Bloemfontein monthly delivery alone has increased from 1,900 to 56,000. Against all that it must be stated that there is a debt charge on the country. What the amount of the debt is one cannot accurately ascertain; but it is something under £10,000,000, and that is the ghost of the ruin of the war which is now passing away for ever from the land. These figures reflect great credit on Sir Hamilton Goold-Adams and those who have been associated with him in the work of restoring the industry and prosperity of the Orange River Colony. I say that with all the more satisfaction, because when my knowledge of the country was not so full as it has since become I used a phrase which might possibly be considered disparaging of the work which Sir Hamilton Goold-Adams and his assistants have brought in so short a space of time to so marvellous a completion. The Constitution of the Orange River Colony will become effective as soon as possible. It will be necessary to prepare Letters

Patent, as in the case of the Transvaal, and these I should hope will be issued before Parliament meets after the Christmas holiday. Before the Letters Patent come out we shall set to work to form a register of voters and appoint a Boundaries Commission. The work of this Commission will take a considerable time, and I do not expect it will be completed until June of next year. So I should think that the new Parliament might assemble in Bloemfontein some time during the autumn of next year. When that work has been completed, and the new Parliament has assembled, the main direction of South African affairs in these Colonies will have passed from our hands; and I am sure it will be the wish of this democratic House of Commons, which has created these new Parliaments in the first year of its life, to secure to them in the fullest manner the enjoyment of the liberties with which we have endowed them.

Motion made, and Question proposed, "That this House approves the grant of Constitutions conferring responsible government upon the peoples of the Transvaal and Orange River Colonies."
—(Mr. Churchill.)

MR. LYTTTELTON (St. George's, Hanover Square): At the end of July last we discussed at considerable length the Constitution which was then adumbrated by the Under-Secretary of State for the Colonies. That referred only to the Transvaal. We have since had the Letters Patent issued embodying those provisions. We shall no doubt have another opportunity of discussing the Letters Patent relating to the Orange River Colony. Therefore, I shall abstain from dealing in detail with the provisions relating to the Orange Colony at the present moment, feeling certain that it is better to see those proposals in print, and to consider them carefully before criticising them at length. This much, however, I should like to say—namely, that one of the objections which the Opposition have to the granting of full responsible government to the Transvaal, which we all agree must take place at some time, is that we cannot refuse to the Orange Colony that which we grant to the Transvaal. I rejoice to hear

of the regained prosperity of the Orange Colony, and I congratulate Sir Hamilton Goold-Adams and his assistants on the admirable work they have done in promoting that prosperity; and certainly I for one should not for a moment desire to say that that Colony has not within it the seeds of great future development. I acknowledge the obligations we on the Opposition side feel for some matters in the Constitution of the Transvaal that have now been brought to light by the Letters Patent. I am glad there is a Second Chamber which is a reality. Not merely is it warranted to exist for five years, but in the event of agreement not having been come to by the Legislature for the creation of another Second Chamber, then the Governor will nominate a Second Chamber again after the five years have expired. I am bound to say this is a substantial point. I think also the Government have done well in making English the official language of the Transvaal State. And for myself, I am also quite willing to say that I think that the whole of the provisions with respect to the Dutch language being spoken in the Assembly—which was always the intention of the late Government—are more happily dealt with. I express our obligations in some sense for the policy of land settlement and the establishment of the Imperial Board. It is a matter of very great importance to the Orange Colony, where there are so many British settlers, that our interests should be conserved, not merely by a just, but by a sympathetic Government. I do not say that the Boers will desire to act unjustly, but a man may be a just landlord who is not a sympathetic landlord. I am bound to say, however, that the sum of £58,000 seems an uncommonly small one for the effective establishment of the Imperial Board and for the maintenance of its work.

MR. CHURCHILL: That money has been advanced to the settlers and moneys are due from them. These moneys in the last year in the Orange River Colony alone amounted to over £22,000. That income is at the disposal of the Board, and a very considerable income it is. All they have to do with it is to shield the existing settlers from unsympathetic administration. The fund available for the

Board will not only be sufficient for carrying on the limited purpose to which we propose to devote it, but will be largely in excess. The extra £58,000 placed at their disposal is only to enable the Board to tide over the fresh period before the rent and instalments to which they are entitled naturally fall due.

MR. LYTTTELTON: Whilst fully appreciating the hon. Member's explanation, I still think the sum allocated is a beggarly one and insufficient, and it is not a generous response to appeals made even from the Government's own side by the hon. Baronet the Member for Chippenham and the hon. and learned Member for Reading. Although £9,500,000 has been expended by the Imperial Government upon repatriation, and almost entirely devoted to our Dutch fellow subjects, yet the £3,000,000 voted by the Ordinance and by Parliament for the assistance of British settlers has now, notwithstanding the obligations which the Under-Secretary has acknowledged, been cut down by nearly £500,000. It is a matter for congratulation, however, that some pensions have been granted to the Transvaal and have been promised in the case of the Orange Colony to those civil servants who in the past have worked themselves almost to the bone on behalf of the Colonies, and whose services most thoroughly deserve recognition in the form of pension, if any services ever did. But the reservations which the Government have made from the autonomy which they have granted to the two Colonies undoubtedly raise considerations of a controversial character, and involve some consideration of the policy of the late Government. I embark on the consideration of them, I hope the House will believe me, not from any vanity nor from any desire to arouse strife, but in a business of such vast importance as this it is right that the country should appreciate and know what the differences are between parties, and when they come, as they ultimately will, to adjudicate between the two great parties in regard to their policies in South Africa, they should know what the differences at this time have been. Having myself for many months navigated the troubled waters of the South African question, I desire to point out to

Mr. Lyttelton.

the Government from that experience on a somewhat uncharted sea some of the rocks on which by these reservations and other provisions of the Constitution they appear to be drifting. I do not wish to develop them at large, but the House will remember the broad outlines of the policy of the late Government—the policy as expressed at Vereeniging, as expressed by the right hon. Gentleman the Member for West Birmingham, as, I think, confirmed by this House on more than one occasion, and as ultimately embodied in the Letters Patent. The policy of the last Government was to draw out gradually to self-government and to take the usual steps which had been taken in the history of every other self-governing colony in the British Empire. No originality was claimed for this. There was nothing new in it. It was always thought by the late Government that that having been the practice it was not desirable to depart from it in this particular case, and the Under-Secretary will forgive my saying that it is really not worth my while to consider his comment that the proposals of those Letters Patent were unworkable. In point of fact proposals of the same sort were worked in Canada, Cape Colony, Natal, and Australia for various periods, and it really is absurd to say that they are not workable. I have stated myself that they led to friction, and so does the British Constitution lead to friction. That was the first item in the policy of the last Government. Then next there was the desire gradually to populate the country by immigrants in order, by peaceful association with the Boers, to gain that good feeling which does subsist between the agricultural communities in both Colonies, which has led to admirable harmony between the two races engaged in those peaceful agricultural pursuits, and which would have energetically promoted what I believe is a most desirable thing—the merging of the sharp dividing line between the country and the towns in South Africa, which was also the dividing line between Briton and Boer. With the object of introducing settlers and promoting prosperity throughout the country we desired that the gold-mining industry should be worked to the full extent. The three great sources of revenue in the Transvaal are railway

receipts, customs, and the tax upon profits of the mines. [AN HON. MEMBER: And the poll tax on natives.] That item is a good deal smaller, though the poll tax no doubt comes to something. It was the desire of the late Government that the gold-mining industry should be worked to the full, not for the purpose of earning dividends for their shareholders only, for dividends were a matter of comparative unimportance to the late Government. What they had to look to was the 10 per cent. profit tax and the receipts from the railways, which depended very largely on the prosperity of the mines, and the customs, which largely related to the mines also. The fourth desire of the late Government—and I do not hesitate to say it was a right desire—was to postpone the passionate conflicts of Party Government at so early a date after the war. Lastly, they wished to approach the federation of all the States in South Africa by the surest, safest, and smoothest route. They wished that the federation and self-government might be brought about at the same time, and, if possible, before the Transvaal State had attained that degree of individuality, that individual wealth, which is sometimes in the history of a State called capitalism, and which very often presents obstacles and barriers to the smooth effecting of federation. Those were broadly the objects of the late Government, and I have never heard an argument in the House why the ordinary course of development and devolution might not have been pursued. You have got to contrast the scheme of the late Government with the reservations which the Government have made in what they call their scheme of self-government. The four reservations which the present Government have made are in regard to natives, British Indians, land settlement, and Chinese. You have reserved from the purview of the Colony the four matters in which they have the most vital and permanent interest. I am not saying whether any of these matters should or should not be reserved. That is a matter for the responsible Government, and they, after considering the matter for some three months, have decided that they must reserve these matters and they indicate with respect to one or two of them that

a conflict between themselves and the self-governing Colony are extremely likely. Would it not have been more straightforward and frank to have admitted that you could not take that position—that you could not grant the Colony absolute self-government on those points? Would it not have been better to have said, “We will not depart from the old procedure?” There were many good reasons for it, and, above all, reasons, why they were not prepared to hand over to the Government of the Transvaal the matters in which the colonists themselves took the greatest and most vital interest. No doubt the fact that what is called responsible government has been granted to this Colony will enable a great many Party orators on the platform to make from their point of view very convincing and elaborate perorations upon the final triumph of Liberal opinions in the case of this Colony. That may be very satisfactory to the orators who proclaim what has been done; but I do not think they will be very convincing to the audiences which hear them. Can anything be more factious—can anything bring greater friction than to say with one voice that we are going to grant self-government and with another voice say, “No, there are some topics in which, no doubt, you take a very great and material interest, but on which we cannot admit that you should govern yourselves”? I venture to say from a not inconsiderable experience in this matter that no lover of his country can await without the greatest possible anxiety the conflict between this country, this Parliament and this House of Commons, and the self-governing Colony upon these points. Take, for instance, the question of British Indians. So long as there was merely representative government there that was a totally different matter. That responsibility was known to rest in Downing Street. Now responsible government all over the British Empire is identified with autonomy and practical independence. You are now—and I am not quarrelling with that—wishing to retain control of some of those matters in your own hand. You reserve these matters. You admit that you anticipate a conflict with the Colony on the matter.

Mr. Lyttelton.

I say that that is not only a most dangerous course to pursue, but it is more. The Transvaal is made responsible for independent government, and in a matter that affects them vitally, and on which they have pronounced an opinion by a large majority, you cannot, if you go into a controversy, prevent every other self-governing colony, irrespective of the merits of the question, from saying, “The Transvaal is as independent as we are, and you ought not to interfere.” That is a consequence which I am afraid must arise upon some of these points which you have reserved, and upon which you have expressed strong opinions. I wish the House to understand most distinctly that I do not blame the Government or their supporters for holding these strong opinions. They may be right or they may be wrong in holding them and in expressing in despatches these strong opinions in regard to the treatment of British Indians. I have expressed them myself, but I did not hold those views and grant responsible Government, and, having granted responsible Government take it back by cutting out from the grant such important matters. Mr. Deakin, who was Premier of the Australian Commonwealth, in a recent speech with reference to the Imperial veto on colonial legislation, said that in that part of the world the power had only been exercised in minor matters and had never been used to destroy any measure on which the opinion of the people had been clearly expressed. Surely that expression of opinion on the part of an eminent Australian statesman could not have escaped the notice of the Government. I wish to say with great earnestness that if the Government believe that they are in direct conflict with the views of the colony on some important matters which affect the Colony, do not select those matters which will provoke the greatest possible resistance, and at the same time challenge the other Colonies to get into line with that Colony. Again, the Constitution sets forth that—

“Whereas it is our will and pleasure that all persons within our dominions should be free from any conditions of employment or residence of a servile character, the governor shall reserve any law providing for the introduction under contract indenture or licence of labourers into the Colony from places outside South Africa.”

That is a very remarkable limitation. What is the position? The Government has been, so to say, seised of this subject of Chinese labour for nearly twelve months, and they have amended the Ordinance by cutting out from it certain provisions which they deemed undesirable and recommended that the Government of the Transvaal should administer other provisions in regard to Chinese labour with the greatest possible caution and regard them as temporary during the next twelve months. But in a year's time they have placed themselves in the position that even the amended Ordinances of Lord Milner shall wholly cease and determine from the date of the first meeting of the Legislature. If the Colonial Parliament desires the Chinese to remain they will have to pass an Ordinance of their own, and then the British Government will be in the position of having to consider whether, after all these declarations, they will veto it. They will be very much in the same position in which the late Government were when it was proposed by a very large majority, as we believed, of all the white population to have the original Ordinance, and the question was, seeing the legislation had been passed for a Crown Colony, could we refuse the Colony the right to have indentured labour on the terms desired? I have never disguised that I had some objections to certain particulars in that Ordinance, but you have to consider whether you are in a position to say to a self-governing Colony, "We refuse you the right to get the labour you require for your leading industry on the terms you now desire." I must ask the House to consider that problem in the light of legislation that exists for other Colonies. In 1894 a Liberal Government, of which Lord Ripon, the present Postmaster-General, and the Chancellor of the Duchy were members, approved of an Ordinance for British Guiana, which provided that labourers from India might be indentured for five years, that they could not absent themselves without leave from the plantation to which they indentured; that any one who persuaded a labourer to absent himself would be fined twenty dollars or suffer two months' imprisonment;

that the labourer was compellable to do any work to which his employer set him; that he could be transferred from one employer to another for twelve months; that the employer might force him to do piece-work with or without his consent; that the employer was to pay him from a shilling a day; that no passport was to be issued to the labourer to enable him to return home until he had served five years except with the consent of the Governor, and that the labourer had to pay the cost of his return journey. These conditions were imposed in the Consolidating Act in 1894 after long experience, both in this House and outside. It differs from the Transvaal Ordinance in some minor points; but will any hon. Member project his imagination into a situation in which an African negro was engaged under these conditions and say that the negro was in a state of slavery? The hypothesis is that you will have to argue with the inhabitants of a colony which has been the theatre of a devastating war, with economic ruin staring them in the face, who say that their country is being made desolate for want of labour for their principal industry, who wish to recuperate that country and make it fit to live in and thrive. Are you going to say to that great Colony that you will refuse to it those facilities for obtaining labour which other Colonies have had for over fifty years? I would be sorry, if a Minister, to have to propound such an argument, because I should feel that I was on hopelessly weak ground, and I am satisfied that there are hon. Gentlemen opposite who would feel that also. That is the position with regard to the future. Now mark what is the position of the Government with regard to the provision which forbids in terms the renewal of the contracts by the Chinese after the expiry of the first period of three years. The House will remember that provision. It is an absolute breach of contract. I do not mean to say that you cannot by an Act of Parliament or by Letters Patent, which have the effect of an Act of Parliament, break contracts, but this Government ought to be the last Government in the world to do so. What did they say with regard to the 16,000 coolies, the recruiting of whom was

licensed by Sir Arthur Lawley shortly before we came out of power? Six months ago the Under-Secretary told us it would be unjust and illegal to revoke the recruiting licences, and for that reason these 16,000 coolies have been suffered to be taken to South Africa. Will he now tell the House that it is just and legal to break a contract when it will involve a far greater loss? The proposition is incredible. One of the considerations which induced the employers to incur the great expense of bringing Chinamen to South Africa was that at the end of the first three years, when the labourers were well trained, they should have the right of renewing the contract for the following three years, making altogether a six years period of service. The House knows perfectly well that the loss of that option will bring the loss of hundreds of thousands of pounds upon the mineowners. Hon. Gentlemen opposite do not mind that; but those who call it unjust and illegal to revoke licences do mind it, and ought to mind it. If they do not care about inflicting a loss upon the mineowners what do they think about the loss to and the breach of faith with the Chinese? The Chinese were brought to South Africa under a most elaborate system of assurances, under a contract which had the faith of the British Government at the back of it. It is now proposed to tear up that contract. That is a very great loss to a Chinaman who, after six years service, would be able to return to China, being still a young man, with sufficient earnings to enable him to buy land and live immeasurably above his fellows for the rest of his life. He has been promised that opportunity on the faith of the British Government, and they now tell him he shall not have it. Is that just or legal? Six months ago the Under-Secretary himself said they really ought not to revoke these licences and sheltered himself under a plea of injustice and illegality. At that time not a single one of these 16,000 coolies had been recruited or signed a contract, still less left China. Will the Chancellor of the Exchequer compare the revocation of licences upon which no action has been taken, and under which not a single coolie has left the shores of China, with the gravity of breaking a contract in part fulfilled, which involves the loss of hundreds

of thousands of pounds to the mineowners, loss to the coolies, and breach of faith on the part of the British Government?

THE CHANCELLOR OF THE EX-CHEQUER (MR. ASQUITH, Fife, E.): I do not admit that it is breaking a contract at all. I deny altogether that the persons who had imported these coolies had any right to speculate on the indefinite continuance of a law which would entitle them to renew these contracts.

MR. LYTTTELTON: I contend, with great respect to my right hon. and learned friend, that the document which gave one party the right at the end of three years to renew and the other party the right to accept that renewal, was a contractual right. So far as the mineowners are concerned, it is a very valuable right, because it means that instead of employing new labourers and getting them from far away they can continue efficient labourers in their places.

MR. ASQUITH: It is a contractual right contingent on the continuance of an Ordinance, and that Ordinance the Legislature has the right to amend, modify, or repeal.

MR. LYTTTELTON: But it was not amended in such a way as to repeal contractual rights. I agree that if the Government wish to do illegal Acts it is always open to Parliament to say that they will countenance them. It is always competent for Parliament to repeal a statute which gives a person a statutory right, but I doubt whether the right hon. Gentleman will make such a proposal with regard to any British citizen. I complain of the secrecy with which the Government have treated these important matters and the absence of open dealing between the Government and those who differ from them upon this point. I do not wish to dwell upon the personal aspect—for which the Prime Minister has handsomely apologised to me—of the unfortunate handling of the Bucknill Report. But I think that when garbled versions of that Report got into the Press, owing to the unfortunate mistake that was made by the Government—I will put it no higher—the people who

Mr. Lyttelton.

were vitally concerned in the Transvaal should not have been left in entire ignorance of the position of matters. I may be mistaken, but I understood the Under-Secretary to say the other day, in answer to a question with reference to the dealings of Mr. J. B. Robinson and his group, that no preference or monopoly has been given to one group of mines. But that is what has occurred. The Witwatersrand Native Association was formed with the approval of all parties. Who is Mr. Robinson that he should be allowed to break out from that Native Association, to which he belonged, and be granted a preference over and above all his neighbours?

MR. CHURCHILL : I did not say in so many words that nothing of the kind had occurred.

MR. LYTTTELTON : I have seen the documents in this case, and I can say without fear of contradiction that Mr. Robinson has been granted this preference. I fail to see any sort of justification for the grant to him of any preference. At least the Government should have had the decency to wait until after the inquiry with regard to this matter before pressing the Portuguese Government on behalf of an individual who it seems to me has no title whatever to be preferred over his competitors. I think we have a right in these highly controversial matters to complain that the Ridgeway Report has, in no portion of it, been shown either to the public or to the House. Sir West Ridgeway made a speech the other day in which he seemed to indicate that he did not know why in the world it should not be printed. He also used language which gave me the impression that the Report contains things, especially with regard to the Progressive Party in South Africa, who have been consistently defamed in many quarters of the House, which the country has a right to know. The observations of the chairman of the Commission showed that he regarded the Progressive Party as a body of most patriotic men; indeed, I think Sir West Ridgeway said their patriotism was almost excessive, and he also spoke very strongly of the necessity of preserving the industries of the Rand. That one Report should be

withheld from the House we might perhaps be able to understand, but it certainly does seem to me a subject I will not say more than of regret in so many matters in which the future of South Africa is concerned—matters of profound moment, which involve a right judgment in dealing with most momentous questions—the Government should say they will not produce the documents, that they will not give any information as to their contents, and that they will not answer questions in regard to them in this House, and I do not think I should do my duty if I sat down without making this protest. I have put forward the difficulties which I think the Government will have to meet, but I hope the prognostication I have felt compelled to make will not be fulfilled, and that the prosperity which we all desire for the future of these Colonies may, however improbable it seems, be granted to them.

SIR CHARLES DILKE (Gloucestershire, Forest of Dean) said there had been no allusion to circumstances which made this occasion the most momentous, in connection with our Colonial Empire and our Empire generally, that this country had ever known. It might be inevitable, it might be impossible to resist it, but we were for the first time establishing a colour bar in the British Empire by the action of the Imperial Parliament. The results of that establishment must be so momentous, might be so disastrous, that it seemed an amazing fact that no allusion whatever should have been made to it by either the Under-Secretary or the right hon. Gentleman opposite. There were many omissions from the speech of his hon. friend which might be generally described in those few words, but there were some passages in it which, he confessed, amazed him coming from the Under-Secretary. They all agreed, he supposed, that it was safe to give the freest institutions to the Orange River Colony; but the ground on which the Under-Secretary based that safety struck him as amazing coming from that side of the House. If he understood his hon. friend rightly, he said the Dutch had now laid aside the ideal of a Dutch South Africa under a Dutch flag, excluding the British Crown. Did any one except his

hon. friend believe that that idea was ever entertained by the people of the two Republics? Dr. Leyds, indeed, entertained that idea and planted it on President Kruger, but the whole course of the history of the Republics and of the war contradicted emphatically the suggestion that any such idea prevailed in the two Republics. There was another amazing statement from his hon. friend. He told the House he might safely appeal to Lord Durham's condemnation of all possibility of working representative institutions without fully responsible institutions. The whole history of the Empire contradicted that very rash assertion of Lord Durham. There had been Colonies that had enjoyed that institution without a break since the Elizabethan times, and there were Colonies where it had been modified since those days. It was the only possible plan, admitted by every statesman from every party, of dealing with countries where there was an overwhelming black or native majority. There were not the same dangers, there were not the same fears in the case of the Orange River Colony as existed elsewhere, but in South Africa as a whole there was the consideration of the future, and the one argument used by the right hon. Gentleman opposite which weighed with him on this occasion, as it had weighed with him before, was that they could not shut their eyes to the future of South Africa under federation in the arrangement which they now set up. He could not agree with either of the preceding speakers as to the reservations. His hon. friend would no doubt have an easy task to-night in his reply, because he would be able to assume a safe position, and he would, in popular parlance, be able to knock the heads of himself (Sir Charles Dilke) and the late Colonial Secretary together. But there were occasions when the House must consider something more than the ordinary debate, and this was one of them. His hon. friend only really mentioned one reservation. He said it was an obligation of honour and we must redeem it. It was the obligation in connection with land settlement. But was there no obligation of honour on this country with regard to the natives, the overwhelming majority of the people

of the Transvaal? Why should we be so tender of the one special case of the settlers and not equally tender with regard to our obligation in honour towards the natives? The Under-Secretary had said nothing about the reservations as to the natives except these ominous words, "We could not do more; we could not do less." No, he thought they could not do less after all the promises that were made, after all the boasts that were made, after all those contracts that were drawn between ourselves and the Boers and past Governments. The right hon. Gentleman opposite held up these reservations as provisions which could not be enforced, but he and his friends put them all in the case of Natal. These two documents were precisely the same as those granted on all previous occasions, and the right hon. Gentleman said they were inconsistent with responsible government. Lord Kimberley refused to grant complete self-government to Natal, because there were only 1,000 white people there. The Government then granted the same reservations as there were in this case in the teeth of the arguments used to-night. The right hon. Gentleman suggested there were special and exceptional reservations in this instance as regarded natives, British Indians, and Chinese. But there was no reservation with regard to natives, and he could not find a reservation with regard to British Indians, other than those which had been invariable and had become matters of mere form. The right hon. Gentleman suggested that to put such a reservation in this document would incite the Colonies to remonstrate with us. The only subject of the kind that had ever incited the Colonies against us was Chinese labour. When it was suggested that the present Government had come into conflict with the Government of Natal by desiring to interfere with the self-government of the Colony, on that occasion, one of the last acts of Mr. Seddon was to repudiate, in the most indignant terms, that suggestion. The right hon. Gentleman had specially referred to the repeal of the Labour Importation Ordinance. He for one had always believed that the permanent native question was more deserving of our real attention than the Chinese

question, which was temporary in its nature. He would rather have doubted, as a matter of constitutional practice, the power of the Crown to repeal this Ordinance by Letters Patent. They could repeal by statute of the Imperial Parliament. But he did not believe in the popularity of Chinese labour in South Africa, or that anybody was going to make a struggle for it. There was that in the document which did not in the least correspond with this impression of what was likely to be the action of the Government. "Every white male" was taken as the foundation of the future Constitution. That was a grave and new departure for Parliament to take. There was any amount of precedent for our allowing Colonies to do things we would not do ourselves. But this Constitution contained an absolute colour bar in the sharpest form in which it had ever appeared in the English language, and one which obviously would lead to odious inquiries—for instance, such as those which led to a great law case in the Cape not long ago—in the case of coloured British subjects, many of them electors in other parts of the Empire, who might settle in South Africa. It was contrary to the usage of great self-governing Colonies within the Empire; there was no such colour bar against the Maoris in New Zealand, or the Red Indians in Canada, the descendants of whom were among the most valued members of society, and occupied a distinguished position in the aristocracy of the Dominion, if that phrase were permissible in a democracy. In the Cape, of course, there was a native franchise, and Dr. Jameson had declared that the Cape would never consent to come into the federation on the surrender of her native franchise. By setting up this special and limited franchise the Government were putting a bar to federation in the future. The form of words on page 7 of the document that "the Governor shall reserve" was, he believed, taken from the Rhodesia Order in Council of 1891. There was a certain vagueness and ambiguity about the powers reserved to the Governor. There was a case the other day in Natal in which a letter was written from Government House stating that a law had not been reserved although it was ap-

parently one which ought to have been reserved under the terms of instructions. It had not been reserved, however, because the Government had received the advice of the law officers of the Crown that it need not be reserved. On that he asked the Under-Secretary whether the Governor in interpreting these instructions was guided by the advice of the local government and the local law officers. He found that generally—and it appeared to be provided here in the latter part of the instructions—that the Governor in a very grave or exceptional case was expected to act on his own judgment, although the contrary was stated in the letter referred to from Government House in Natal. He applied to those who well knew the practice whether it was not as stated in the letter, and therefore it was a question whether we were reserving anything at all, because we were trusting to the local Governor to say what should or should not be reserved. He was much inclined to agree with the right hon. Gentleman opposite as to the narrow limitation of the word "serve." At page 39 of the document there was a certain conflict with the words used at page 7. It was stated at page 7—

"It is Our will and pleasure that all persons within Our Dominions shall be free from any conditions of employment or residence of a servile character."

That had no enactive force at all, but was merely a platonic declaration of goodwill. At page 39 the words were much stronger—

"No law sanctioning any condition of service or residence of a servile character will be assented to."

There the words were not limited to introduction from outside so far as he understood, but in the other place they were. In the passage read by the right hon. Gentleman opposite—

"The Governor shall reserve any law providing for the introduction under contract of labourers into the Colony from places outside South Africa."

He agreed entirely in his criticism on this point. But in the instructions the words—

"No law sanctioning any condition of service or residence of a servile character"

were not limited to the introduction of labour from outside. These were very difficult matters to construe. Lord

Carnarvon used the word "servile" of the very practice which was now going on in South Africa, of consigning the prisoners to work as slaves in mines in other Colonies. He held that that was "servile," and that the words in the document should cover it. But it was not so held to-day, because there was a similar instruction to the Government of Natal, which had not been held to cover action of that kind. All the country south of Zambesi was South Africa. Therefore places outside South Africa did not include the countries from which the Kaffir labour came, and it made it the more necessary that these words should be carefully scrutinised by the House, and explained by the Government. Why from outside South Africa? Why should not the words, if meant to have any meaning at all, cover the people from Natal, Swaziland, and Basutoland, and especially convicts leased to mine-owners? On page 10 there were two or three paragraphs to which he wished to call the attention of the House. They were headed "Native Administration." The first paragraph had no importance and meant nothing at all. It provided—

"The Governor shall continue to exercise over all chiefs and natives in the Colony all power and authority now vested in him as paramount chief."

That was what he did in Natal and all other Colonies where there were natives. The second paragraph was a feeble and partial acceptance of the principal recommendation of the Native Affairs Commission of 1905. One of their chief recommendations was that there should be assemblies of chiefs to which considerable powers should be granted. Some attempt had been made to give effect to this recommendation, but it was very partial and feeble indeed. Would that assembly of chiefs be able to approach the Crown otherwise than through the Governor on the advice of the Colonial Minister? Was this a form quite different from that adopted in the case of Basutoland, where they approached the Crown direct? Would the chiefs really be allowed to approach the Crown? If they were only to be allowed to do so through the Governor on the advice of his Ministers, that would be no real approach at all. There had been a tendency to seize the

Crown lands of the natives in the past. He feared it would increase in the future, and lead to considerable difficulties. There could be no doubt that the recent trouble in Natal was largely caused by interference with the natives on Crown lands. The trouble which might come upon them through disregarding this danger might be gathered from what occurred in Basutoland, where this practice of seizing Crown lands led to horrible wars and practically to the bankruptcy of the colony of Natal. That practice had been spreading into the other colonies, and must be guarded against. It should not be forgotten that the white population of the Transvaal was confined to half the colony, the other half being still native land; and he thought the way to avoid trouble in the future was to constitute large native reserves. The Native Affairs Commission reported in the strongest terms on this subject; they found that the natives had distinct rights, that there was no justification for the assumption that they were mere tenants at will of the Crown, and that it was a gross breach of faith to allow them to be turned out of those lands. Hon. Members only needed to look at paragraph 3 dealing with native administration to see that the security given was illusory. Again, there was no special protection for British Asiatic subjects in the Transvaal. That was a most dangerous form in which to leave matters. The prestige of this country must suffer in India if it could not enforce protection for its own subjects even within the Empire. The labour in the country must always be coloured. It was also labour of a nature that could not be protected by labour associations. Therefore, they were setting up a condition of things in which the labour of the country would have no voice. The native labour question was of far greater importance than the question of Chinese labour, for, while the latter was only temporary, the former was permanent. It had been said that they could never make peace by leaving the coloured population in the position they were in before the war, but, as a matter of fact, they were going to leave them in a much worse position. There were great dangers to be apprehended in the future from this state of things. The increase of native taxation had been

glanced at in the speech of the Under-Secretary, and the right hon. Gentleman opposite had mentioned the poll tax. In Natal they knew that the poll tax, which was nominally the same for white and black, in practice was very different, because in the case of the blacks it was collected by methods which were not applied in the case of the whites. One or two fresh dangers were crossing the Natal border, and compulsory labour had invaded the Transvaal. He was aware that this was denied, but it had come in to some extent. The Native Affairs Commission were of opinion that compulsory labour was economically unjust, unsound, and intensely distasteful to the natives. That system of compulsory labour was spreading to the Transvaal, and it had been allowed under the late Government. Another dangerous feature was the hostility of the whites of the Government officials to what was called the Ethiopian Church. Its buildings were pulled down where they were found on Crown lands. The only objection urged against the Church was that it was self-governing, and lay outside European direction and control. If they weakly yielded to a small number of people who wished to have their own way in the Colony, then dangers which would only have been avoided for a time would have to be faced later on. The House must remember that it was not those people who would have to fight; we would have to fight. [AN HON. MEMBER: What about Natal?] He was not speaking of Natal whose case was exceptional, though even there we had been asked to send troops. There could be no doubt that over the enormous distances in the Transvaal, if fighting had ever to be done, this country would have to go into it. We should have to undertake the federation of South Africa and to be responsible for the treatment of South Africa as a whole. It was impossible, therefore, merely to take the line of least resistance in the Transvaal, and shut our eyes to the enormous problems which the federation of the whole of South Africa must present. Of course, the Rand would grumble at everything we did, but the Rand would do what they found they had got to do. This House must impress on the Rand that it had something larger than the Rand to look

to—not only the future of South Africa as a whole, but also the position of the Empire as a whole—a great Empire, which was largely dependent on the affections of the people of India, and which could not be permanently based on the principle of giving all power to the white man. The view of the great self-governing colonies had been referred to, but those great colonies knew very well that Natal, for example, with an overwhelming native population, was in a wholly different position from Canada, or the Commonwealth, or New Zealand. Here they were dealing with a country in which the black nations always must be predominant, and it was impossible to think that the problems which were bound up in the question of future federation were solved by settling this question on an absolutely white basis.

*MR. WALKER (Leicestershire, Melton) said it was representative government which led to the rebellion in Upper Canada to which Lord Durham referred, and we had always considered that a representative constitution was something that would not work. It had no power for the appointment of Ministers or for initiating expenditure of public money or proposals for taxation. He believed there would be friction, not so much between English and Dutch as between the Legislature representing English and Dutch on the one side and the Ministers of the Crown on the other. He therefore thanked the Government for having gone straight for responsible government. He would like to point out that responsible government was given in Canada even sooner after the rebellion than it was being given to South Africa after the war. The right hon. Gentleman the Member for St. George's, Hanover Square, had spoken of Chinese labour being among the reservations. One thing struck him as very strange in that right hon. Gentleman's speech, and that was that he went on the assumption that the people of the Transvaal were in favour of Chinese labour, and that therefore they were quite certain to try to keep it in the future. There was no reason for believing that the Transvaal was in favour of Chinese labour. He maintained that the cause of the whole trouble about

Chinese labour was that the Government had interfered in the past in introducing it without taking the vote of the people of the Colony. Lord Milner had said that he wished he had consulted the other Colonies in regard to the introduction, and the right hon. Gentleman the Member for West Birmingham had said that he intended to consult them about the settlement. He wished he had consulted those other Colonies. It was very doubtful if then there would have been Chinese labour at all. Although they were not consulted, the Colonies had made it quite clear by resolutions they had passed, not only in Australia and New Zealand, but also in the neighbouring Colony of the Cape of Good Hope, that they desired to keep the Chinese out of South Africa. He was grateful to the Government for having included the Orange River Colony in the grant of self-government. He believed the loyalty and honour of the Dutch had been proved. He believed they would stick to the terms they had made and would think it a dreadful thing to transgress the treaty. In the treaty of peace no distinction was made between the two Colonies. He believed our Dutch fellow subjects in South Africa would think it a breach of faith if the Government excluded the Orange River Colony solely on the ground of Dutch predominance in the matter of population. They had heard in the debate a good deal about British ascendancy. It was Lord Elgin, the father of the present Secretary of State for the Colonies, who dealt a blow at the idea of a British ascendancy in Canada. In 1849 the Canadian Legislature passed a Rebellion Losses Bill, and an extreme section asked Lord Elgin to veto the Bill. He stood firm and refused to veto the measure, and from that day they might date the real commencement of self-government in Canada, which had led to the happiest results between the French and English people in Canada. That Lord Elgin was the real originator of self-government in Canada, and he thought the Liberal Party could congratulate themselves that it had fallen to the lot of the present Lord Elgin to start what he hoped would be an era of prosperity and happiness in another part of the British Empire.

Mr. Walker.

*Mr. EVELYN CECIL (Aston Manor) said he regretted that on such an important occasion they had not the benefit of the experience of the right hon. Gentleman the Member for West Birmingham. He of all others would have been able to assist them in coming to a wise conclusion. His objection to this proposed constitution was not so much to its details, but as regarded the whole policy of the Government. The details followed in most respects the Constitutions granted to the other self-governing Colonies, but what he complained of was that it was too soon to grant a Constitution to the Transvaal and Orange River Colonies. It was only four years since the population of these Colonies were waging war against this country, and time had not been given to them to settle down. In the Canadian insurrection, to which the hon. Member who had just sat down had referred, the rebels were scattered unorganised over a large extent of territory, but in South Africa the Boers had powerful organisations which were determined, judiciously, to undermine British sovereignty. To introduce this Constitution when things were so unsettled was a very rash and unwise proceeding. It must be remembered that matters were improving during the last four years. That had been admitted by the Under-Secretary for the Colonies; and he thought that that was a good argument indeed for allowing things to remain for some time as they were, rather than introduce self-government, which would lead to Party government, and excite racial feeling. Instead of bringing the races together the action of the Government would separate them. He could not pretend to know whether the Government were acting on their own responsibility, or whether they had taken the advice of the Ridgeway Commission. He would like to know whether the Report of the Ridgeway Commission recommended the immediate granting of a Constitution. He had the strongest suspicion that that Report advised the Government to delay granting self-government to the Transvaal, and that this was why they persistently refused to publish it. In the next place, the whole policy of the

Government had been to give a premium to disloyalty. They frequently telegraphed for their official information to men who were pro-Boers, and there was no inducement on the part of those who wished to remain loyal to the British connection to do so. He had been told by a friend who had been lately travelling through the Transvaal, of a Boer, well-disposed to the British, who had pointed out the uselessness of being loyal and taking the British side when the Home Government were always seeking the advice of pro-Boers. The practical advantage, the Boer argued, was always on the side of disloyalty.

To come to particulars, he desired to comment especially on two of the reservations for the decision of the Imperial Government made in these Constitutions—first, as regarded Chinese labour, and secondly, as regarded land settlement. As to Chinese labour, he supposed it would be generally admitted that the supply of unskilled labour in South Africa was all important, but he feared that the whole question had been largely sacrificed to reckless electioneering pledges—what the Under-Secretary had called “terminological inexactitudes”—or, to paraphrase the expression, statements by enthusiasts who had an impediment in their veracity. The Government had been, therefore, bound to deal with this Chinese labour question, but the matter was really worse than appeared at first sight, for the Government had advanced a great deal beyond their election pledges in this Constitution. On 21st December last year, just before the general election, Lord Elgin telegraphed a despatch to Lord Selborne, that His Majesty’s Government considered that the experiment of the introduction of Chinese labourers into the Transvaal should not be extended further until they could learn the opinion of the Colony through an elected and really representative Legislature. The intention of the Government was evidently to stop all action in regard to Chinese labour until the representative elected Legislature should be established, and had expressed an opinion on the question. But inch by inch, owing to the pressure of their extreme supporters like the hon. Member for North Salford and the hon.

Member for the Newbury Division of Berkshire, the Government had changed their position, and the House now learned that no contracts for Chinese labour were to be entered into or renewed from the 6th of December, 1906, and that the Ordinance of 1904 was to be cancelled one year from the date when the new Legislature assembled, though many Chinese were under contract to remain till 1909. The result would be complete chaos, unless the new Legislature at once took in hand this most contentious question, aggravated by the Home Government’s muddling, and subject to their interference at the end of it, for fear of servile conditions. He thought that that was an insult to the Colony, and surely the Government did not show that trust in the Colony of which they had spoken so much? It could do nothing but produce confusion. One remark more, in this connection. The Government had been encouraging Kaffir labour rather than Chinese labour; but he asked what was the difference? Kaffir labour was African, but this was immaterial for the present purpose. The Chinese were really more healthy on the Rand than the Kaffirs, who were now necessarily recruited from the tropics, because few others were obtainable, and died, it was stated, to the extent of 40 per cent. There had been a very unsavoury debate in the House on the immorality of the Chinese, but he believed, from what he had been reliably informed, that the immorality of the Chinese was not a bit worse than that of the Kaffirs. It would have been far better for the Government if they had left the decision of this question to those on the spot who were familiar with the circumstances and conditions. As to land settlement, he was thankful to the Government that they had dealt with it to some extent. He, however, could not help suspecting that, but for the pressure of public opinion outside, the Land Settlement Board would not have been established. But the inadequacy of the provision was great. The Land Settlement Board should have been established for more than five years, and he thought that more money than that provided in the Constitution should have been granted to the Board. After all, the amount, such as it was, and it was comparatively very

little, would only come in from the repayments of loans by settlers, and nearly all the money available now was already invested in land or advanced to the settlers. He gathered from the text of the Letters Patent that the £500,000, which was the unexpended balance of the sum devoted to land settlement, was not to be allocated to the Land Settlement Board. He regretted that the Government were not going to encourage new settlers to come upon the land. He would have thought that one of the greatest advantages for the future of the country would have been that settlers from Great Britain should be encouraged to come, but apparently the Government had withdrawn any encouragement of the kind. They left it to the Land Settlement Board during a short term of years to do what they could, but who was likely to go and settle on the land which in five years time might come under the control of an unfriendly Government? So far from encouraging British settlers, His Majesty's Government seemed to be discouraging such settlement, although it would be a great safeguard to the peace and prosperity of the country. There was no doubt about the Afrikaner attitude in regard to new settlers, and their inclination would be to discourage them. He did not want, however, to be entirely critical in his remarks, and he would like to mention one of the rare and few advantages which could be gleaned from the proposals of the Government to limit the period of land settlement to five years. After all, five years would be something which would enable the mere handful of settlers to establish themselves against a possible hostile State Government, and to secure themselves on their holdings. Settlers in South Africa became owners in fee simple if they paid regular instalments for thirty years, and although it might be difficult for them at the outset to pay regular instalments, in five years he would imagine they would be in a position to pay their instalments regularly from year to year so that they should become owners in fee simple at the end of thirty years, whatever the conduct of the Government might be towards others. He could

only deplore that the system of land settlement which had been working so well was now to be stopped, because under it the British and the Dutch had got to understand each other better and to have mutual interests. The Dutch had become friendly and had come cordially to receive new British ideas. From community of interest sprang mutual co-operation, and the general tendency of British settlement in new Colonies had been to create greater friendliness between the races there. Take the examples of 1820 and, in quite recent years, of the British fruit farms in the western provinces of Cape Colony. On this ground greater settlement was desirable in South Africa, and increase of the farming population was necessary to decrease the cost of living. He could only repeat his apprehensions as to the future which he had expressed when this matter was discussed on 31st July. He deeply regretted that the Government had gone beyond the terms of the despatch which Lord Elgin had sent to Lord Selborne, and that they had done so in consequence of pressure from their extreme supporters. Had it not been for that pressure he believed they would have reserved this Constitution till a later date. He thought he had shown the weakness of the Government policy in regard to the future of South Africa, but, as a Party, they on that side disclaimed all responsibility for this early grant to the Transvaal of a Constitution, and he could only trust this premature concession would not prejudice the final goal to which they must all look, viz., the truly British federation of South Africa.

*Mr. BOULTON (Huntingdonshire, Ramsey) congratulated the Government on having so early in their history given full responsible Government to the Transvaal and was not in the least surprised that the comments they had had so far from the Opposition side of the House were mainly couched in the vein of hostile criticism. To his mind it was a remarkable fact in the history of the British Empire that, with the solitary exception of Western Australia, the grant of responsible self-government had in every case been the gift of the Liberal Party, and the right hon. Baronet the Member for the Forest

of Dean was mistaken in thinking that it was a Conservative Government which gave responsible government to Natal. It was not, therefore, surprising to find hon. Members opposite pursuing the same old course of the Tory Party in order to prevent Colonies from getting responsible government. The right hon. Gentleman the Ex-Secretary for the Colonies had criticised the Constitution on two grounds: First, because representative government did not precede responsible government, and, secondly, because of the reservations in the Constitution. He believed that the right hon. Gentleman was correct in saying that in every other case representative government had preceded responsible government, but he did not think it followed that because representative government had been tried and failed both in Upper and Lower Canada and in one or two other places that therefore it should be applied to the Transvaal. In Upper and Lower Canada representative government was a complete failure. Under it the Government was in no way responsible to the House of Representatives and the latter had practically no control over the Government. The Government levied such taxes as they thought fit and the House of Representatives could only criticise; they could not prevent the taxes being imposed. The Government appointed such officials and such Judges as they chose and the House of Representatives had no control over them. Representative government in the Colonies might be illustrated in this way. Assume that the Government had appealed to the country, instead of resigning, and that the present House of Commons had been the result of that appeal. Then if we were living under representative and not responsible Government, the right hon. Gentleman the Member for the City of London, having gone to the country and having been defeated by a huge majority, could still continue to administer the affairs of the country, to levy such taxes and pass such laws as he pleased, and this House would not be able to turn him or his friends out of office. That was the case of representative government. It had been tried once upon a time in England, and it had failed. It had been tried in the Colonies, and it

had resulted in failure and civil war. Had it been persisted in in the case of the Australian Colonies the result would have been equally disastrous. The Liberal Party developed the system of responsible government in the Colonies, and if a Liberal Government had not come into power in 1841, and been enabled to give effect to that policy, it was doubtful whether the British Empire as it now existed would ever have been built up. The principal reservation in this Constitution was with regard to Chinese labour. With regard to that a most extraordinary theory had been put forward for the first time by the Party opposite. That theory was that the Imperial Government should no longer have any control over the legislation of self-governing Colonies. If such a theory were accepted there would be no British Empire. It was because this country had a veto which could be, and was, used on important occasions, that the British Empire had a constitutional existence to-day. It was now suggested by the right hon. Gentleman opposite that we should have no veto over the legislation in these Colonies. What struck one as being curious about the suggestion was that the Liberal Party had been told that they had given independence to the Boers by the Convention of 1881, yet in that Convention there was exactly the same veto as that which was proposed in this Constitution with regard to the limitation of servile labour, and now they were told that what in the case of the Boers was independence was in this case subjection. He submitted that the Imperial Government had a right of veto over the Transvaal Colony in the same way as we had over the South African Republic on the question of servile labour, and the Government would be guilty of a breach of duty if they did not insert this provision. If they looked at this subject from a constitutional point of view the House would see that if the veto over colonial legislation was abandoned our Colonies would become independent States. When the Australian Commonwealth Bill was being discussed the right hon. Gentleman the Member for West Birmingham took a very strong view upon this question in opposition to the Australian Premiers.

He took the view that we must exercise a right of veto, if not through Parliament, at any rate, through the Privy Council. This Empire depended for its constitutional existence upon two principles, first, that the Colonial Office should have a right, in the interest of the whole Empire, to veto the legislation of a particular Colony when it adversely affected the interests of the Empire outside that Colony, and, secondly, that the Privy Council should have a right to reverse the legal decisions of the Colonies when those decisions were *ultra vires* or were inimicable to the Empire as a whole. The Liberal Party as the authors of responsible Government were the exponents of their own policy. They were the Party who had enabled through their actions in the past the Empire to come into being, and if a Colony transgressed by passing laws which injuriously affected the interest of the Empire outside the Colony we were bound to veto such legislation. If the Transvaal did pass a law by which servile labour was introduced again into the Colony it would be the duty of this country to prevent such legislation being effective. He also believed we ought to retain the right of veto in the Privy Council. That was the second of those safeguards by which this Empire was carried on and which enabled the Imperial Government to reconcile the varied systems and nationalities and weld them into one harmonious whole.

*MR. KEIR HARDIE (Merthyr Tydvil) joined in congratulating the Government upon the action they had taken in granting self-government to the Orange River Colony as well as the Transvaal. He thought it would have been a mistake if they had done anything else. From some of the speeches to which he had listened one would assume that it was a crime to have consulted the Boers who had been loyal to their country and had fought for it, but he thought in so doing the Government had taken a wise and proper course. He was glad that the introduction of more Chinese labourers had been vetoed by the new Constitution. The assumption, however, that white men would be profitably employed in the gold mines of the Transvaal was about

the most erroneous that could be put forward. The argument seemed to be that because there was black labour in the Transvaal therefore there could not be white labour. He contended, however, that there was no need for black labour. By means of pneumatic drills the employment of white men at decent wages could be assured. There was no necessity for the importation of another race, or for oppressive conditions being put upon the black man to drive him off the land, where it was natural for him to work, into the mines where it was not. The Under-Secretary of State had spoken of Mr. Steyn, the late President of the Orange Free State, as being one of the most avowed enemies of this country.

MR. CHURCHILL said he did not think he used those words, but what he meant was that Mr. Steyn had been one of the most contentious asserters of the rights of the Boers against this country.

*MR. KEIR HARDIE said President Steyn was the one man before the war who had done his best to prevent its breaking out, and if afterwards he threw in his lot with the Boers that was to his credit. He wished to know whether the Constitution to be given to the Orange River Colony was to follow in the main that already provided for the Transvaal. Was a white male vote to be inserted in the Orange River Colony Constitution? It had been stated that to enfranchise women in the Transvaal would have necessarily given the preponderance of weight of votes to the Boer population, but there was no necessity for such niceties of adjustment in the Orange River Colony. That being so, he asked why it was that when the Boer had demanded the vote, and the male population had backed up that demand, women should be excluded from the franchise in the Orange River Colony. The Constitution now being granted to the Transvaal, and which was presumably to be given to the Orange River Colony, could not be altered by the Parliaments of these two Colonies, and it was therefore all the more important that there should be no barriers put in the way of women exercising the franchise. Further, in the Constitution now

granted to the Transvaal provision was made for a Second Chamber, and they had been told this afternoon that the same model was to be followed when the Orange River Colony Constitution was granted. It appeared to him to be an exceedingly bad beginning for a campaign against the House of Lords in this country to set up a House of Lords in each of our new Colonies. It mattered nothing whether it was hereditary or not provided it was based upon a property qualification. Would the Colonial Office insist that the franchise for the Second Chamber should be as broad and free and democratic as that for the First Chamber? If it was to be elected on a property qualification then he hoped it would not receive the assent of the Liberal Party, because it would be a violation of the conditions of free government. He regretted that the method by which agreement was to be come to between the two Chambers was to be by a joint meeting. In the case of the Transvaal, assuming for a moment that the Second Chamber was elected on the basis of a property qualification, the anticipation was that the Chamber when elected would be fairly evenly divided, the mine-owners on the one side and the Boer farmers on the other. If a sharp division took place between the Upper and Lower Chambers on some question, and finally a joint conference was agreed upon to settle the matter in dispute, it would follow almost inevitably that the members of the Upper Chamber elected on a property vote would side with the property owners of the Rand and against the farming population and the rest of the Transvaal. It seemed a thousand pities that the method adopted was not that suggested by the Radical Party for this country, namely, that when a Bill was rejected by the Second House and was passed a second time by the Lower House it should *ipso facto* become law. He next came to an important point—the native question. The land set aside for native occupation could not be alienated since no law could be passed in respect of the natives which did not equally apply to white men. Let them test that by what was now transpiring in Natal. One of the principal reasons for the rising in Natal was a fear of

this very alienation of land set aside for native reservations. How was it proposed to be done? A special tax was imposed upon land that was not occupied. Occupation meant occupation by white settlers. If there was one European settler upon an extent of land to which he had any title the tax did not fall. If there was no European settler the land might be the property of the natives, but unless the natives were to settle upon it the land could be taken from them, and so the question became one of very serious gravity. The position in Natal illustrated this very clearly. The coloured population of Natal was being gradually but surely reduced to a condition in which it would be difficult to occupy properly even land set apart for their use. To take one illustration of how the equal laws theory worked in practice, the law of poaching, as to which there had been a strong memorial from a member of the Legislature to the Colonial Office protesting against it because of its effect on the natives. As no native could obtain a licence the consequence was that native prosecutions for poaching were numerous. According to official returns 4,000 natives were prosecuted every month for offences against the law. One-twentieth part of the native population of Natal were being made criminal and demoralised by prison for the most trivial offences. It was not sufficient to say that laws must be equal for black and white. As the right hon. Baronet had shown, a poll tax proved a severe burden upon the coloured community. He maintained that all laws which were likely to interfere directly or indirectly with the natives should be reserved. This country in the final resort was responsible for the welfare of the natives, and we could not divest ourselves of that responsibility. Experience had shown that where there was a small white population and a large native population, and where the lands of the native population were rich either in minerals or pasture, there was a natural tendency on the part of the whites to obtain possession of those lands. He was casting no reflection upon them, but that being so, the whites, being able to exercise power without restraint, were likely to use that power for their own advancement,

For that reason all questions affecting the natives should be reserved, and he hoped even yet it was not too late to ensure that the serious danger which was being created in South Africa by reason of the treatment of the natives might be obviated. The natives should be allowed to live under the tribal laws within the lands set apart for their use, and nothing should be permitted to be imposed upon them from outside, in the interest either of the mine-owners of the Rand or of the settlers desiring possession of the land, and if that were done what was called the black peril of South Africa might never be heard of, and much anxiety spared to those responsible for the Government.

*Mr. ASHLEY (Lancashire, Blackpool) said that in his opinion this road was open to be travelled by the House of Commons ever since the last general election, because then use was made of the Chinese labour question in such an unscrupulous way by so many hon. Members on the Ministerial side that a feeling was aroused amongst men and women of English extraction in South Africa, and the only possible way out of the difficulty to avoid the friction set up was that responsible government should be given as soon as possible. He would have infinitely preferred that the Lyttelton Constitution should have been in operation a few more years in order that the Colony might have felt its feet, and then in three or four years time he would have been only too glad to grant the fullest measure of responsible government to the Transvaal. Therefore, as far as this Constitution affected the Transvaal, he was entirely with granting responsible government as soon as possible. But what were they asked to do by passing these Letters Patent. They were asked to reserve the introduction of labour into the Colony from places outside South Africa, they were asked to reserve any law affecting persons not of European descent, and they were also asked for a short time to reserve the question of land settlement for the Home Government. He would like to know why they had not reserved power in regard to the native questions as well. The natives were our fellow-subjects and the Chinese were not, and he could not

see why if we were going to protect the Chinamen we should not also protect the native African. The only reason he could imagine was that the Chinaman had so many powerful advocates on the Government side, who were anxious to redeem their election pledges. The native Indian also had a very strong body of public opinion behind him, and land settlement had found many powerful advocates for reservation, not only on the Opposition side, but also on the Ministerial side of the House. He supposed the reason why the African was left out of consideration was because he had nobody to speak for him. Personally, he did not think it very much mattered what they reserved or what they did not reserve, because, with the exception of matters affecting our foreign relations, in practice it would be found that the home Government would not interfere with a self-governing Colony when once they had granted it self-government. He presumed the Government thought these reservations were of some value or they would not have put them into the Letters Patent. He protested against the native question not being mentioned at all in these reservations. If they looked back at the treatment of the natives by the Dutch before the late war they would see that there was considerable danger of the natives not being treated as they would like to see them treated if the Dutch got a majority. In 1899 there was a Pass Law adopted by the Transvaal Legislature under President Kruger, under which any native found without pass could be detained in the guard room until his master came for him, and if after six days his master did not claim him he was forced to select another employer. If that native failed to select a master, he might be imprisoned for eight months and receive twenty-five lashes. He did not suggest that such a law as that was likely to pass under the Government which was now proposed, but it showed at any rate that in 1899 the Dutch idea of the treatment of natives in South Africa was not such as would commend itself to the majority of this House. He was absolutely opposed to the reservation which had been adopted by the home Government in regard to Chinese labour, because that was a matter which ought

to be left entirely to the Transvaal. Let the Government consider for a moment what troubles they were laying up for themselves by reserving this question. Supposing the Transvaal Government decided to continue Chinese labour, the present Government would either have to flout the opinion of the self-governing Colony or else face the music of honourable Gentlemen below the gangway. In either case they would be in a very awkward and unpleasant position, and he did not see how they would be able to get out of it with any dignity to themselves. Had the Government considered what would happen to the Transvaal if the Chinamen were sent away? They knew that the Transvaal just about paid its way, but if they hampered the gold mining industry they would seriously diminish the revenue of the Transvaal Government, and they would have to supplement the labour in the mines by some labour other than Chinese. The only labour they could have was Kaffir labour, and how were they going to get it? They could only get it by increasing the hut tax and poll tax upon the natives, and in either case they would be forcing those men to work against their will. Why were they not making the representation of the Transvaal fair to all parties? It was said that the arrangement of the constituencies and the number of members was a compromise, but he had always thought that a compromise meant that they took away some of the demands of both sides and tried to be fair all round. Was the representation they were now proposing to give to the Transvaal fair to the British? As far as he could ascertain it was not. There would be 92,000 voters and of those at least 51,000 would be non-Boers. They were arranging that neither side should have much of a majority, and that things should be evenly balanced. Was that being fair to the Outlanders? The Government were asking the House to accept this as a fair distribution of electoral power. With reference to the question of federation, there would be an overwhelming majority of Dutch representatives in the Orange River Colony and very likely a Dutch majority in the Transvaal and in the Cape Colony. Therefore they would

have the backbone of Africa covered by the Dutch, and the only British influence would be in Natal and Rhodesia. He could understand why they must give responsible Government at once to the Transvaal, but he did not see why it should be given to the Orange River Colony as well. There was in the Transvaal a solid British element to hold the balance, but he did not believe it would be possible for the British element to return one single member to the new Parliament for the Orange River Colony, because the Dutch there preponderated in the proportion of six or seven to one in the towns and fifteen to one in the country. Within four years of the end of a long and bitter war they were going to hand over the government of a Colony to the people who fought against us so bitterly, although he must admit bravely. He did not think they were behaving fairly to the British settlers, who fought for this country during the war, who had every right to claim protection, and who had settled in those Colonies under the belief that they would be protected by the British flag. Now the Government were going to throw them over as Mr. Gladstone threw them over in 1880. What guarantee had they that the promises in the treaty of Vereeniging would be better kept than the promises of President Kruger when he promised equal treatment to all white men in the Transvaal? In the year before the war he (Mr. Ashley) happened to be travelling from Kimberley to Bloemfontein. He halted for a night at a Dutch farm where he was hospitably treated, and although the house arrangements were not so tidy in some respects as they might have been, he found that the Mauser rifles belonging to the farmer and his son were well looked after. The Boers fought bravely and with fatal effect against us with Mauser rifles, and now, four years after the end of the war, after having taken away the rifles, the Government proposed to give to the Boers in the ballot box a much more efficacious weapon against British supremacy than the Mauser rifle could ever be. He regarded the grant of responsible government to the Orange River Colony, where there would be an overwhelming, if not an entirely Boer representation in the Legislature, four years after the

close of the war, as an act of political insanity.

*MR. MOLTENO (Dumfriesshire) congratulated the Government on the course they had taken, as he held it would have been serious evidence of mistrust had they made a distinction between the two Colonies. He thought the reservation in regard to the land settlers was unnecessary. The introduction of those settlers was one of the greatest injustices perpetrated by us after the war. It was unjust because at a time when everything had been destroyed and property was non-existent, we, at the expense of the population, introduced new settlers in the country. What was the condition of the country on which we imposed a liability of £3,000,000 to bring in fresh settlers? Lord Milner stated to the correspondent of the *Standard*—

"The people have lost everything except the land."

In the despatch in the Blue-book (Cd. 903-135) he said—

"I need not repeat that we began working with the country absolutely denuded of everything."

The right hon. Gentleman the Member for West Birmingham, in a speech at Bloemfontein, stated—

"The destruction of property has been greater than I anticipated, greater, I believe, than has been known at home."

The right hon. Gentleman the Member for St. George's, Hanover Square, the then Colonial Secretary, stated—

"The Transvaal had been left a wilderness, that all buildings, farm produce, and stock had been destroyed."

The Report of the Central Judicial Commission contained the following:—

"Speaking generally, the producing and commercial industries both of the Transvaal and Orange River Colony had been destroyed by the prolonged war. It was not merely the suspension of industry and the interruption of the routine of commerce, but the capital upon which both industry and commerce depended was largely lost."

That was the condition of the population which was to be burdened with the cost of bringing in fresh settlers, but not to assist the population. It might be said that we were assisting them under the repatriation commission. To some

extent we were, but when it was found that of the £16,000,000 due to the Transvaal and the Orange River Colonies, only £2,900,000 had been paid, and when it was found also that the burghers who were protected by the proclamation of Lord Roberts had received dividends of only 10s. in the pound, he thought it was particularly hard that these people should be called upon to supply funds to bring in new settlers. There was another reason why the condition of the people was more unfortunate than in almost any country where war had been waged. The British Army paid for everything it took up to a certain period of the war, but an order was issued that no more payments were to be made in cash. The result was that the property of non-combatants was taken and not paid for, and this left the people in extreme destitution. The military receipts were not discharged for some years afterwards. We had failed to pay our own debts, and yet we had put this burden of £3,000,000 on the new Colonies under the circumstances which he had described. The Government admitted that something had to be done. They proposed to raise £1,200,000 to meet hard cases. He thought it was quite clear that this matter of compensation could not be dismissed so lightly. The Under-Secretary of State for the Colonies had stated that £350,000 per annum, representing the interest on the £35,000,000 loan, might be used in the discharge of claims for compensation. That did not mean the discharge of our obligations. The Cape Colony had time after time to take up the question of compensation. Only in the last session of the Cape Parliament there was a reopening of the question and a final discharge made of the claims left unpaid by His Majesty's Government. As to the question of the natives in the two new colonies, he thought serious injustice might be done. The new Constitution appeared to afford no adequate protection to the natives against injustice such as the expropriation of the Crown lands by the act of the Executive. In answering a question to-day the Under-Secretary had given the House an excellent illustration of what might happen. There were 180,000 natives, or one-fifth of the whole native population, located on the Crown

lands. Regulations had been issued by the Executive which, in his opinion, infringed the rights of the natives. He would ask the Under Secretary whether the obligations which had been imposed on the native of rendering compulsory labour could be imposed on any white man. The Crown lands occupied by natives were declared liable to be allotted to settlers under lease or licence. Another injustice was that natives who had rights of water, pasture and gardening might be deprived of those rights by the executive act of the Government. That seemed to him in the highest degree unjust and impolitic. This question was dealt with by the Commission that reported on South African Native Affairs. It pointed out the serious injustice of displacement of the natives from the Crown lands, and reported that—

“As these lands are disposed of, the natives in occupation are left to make the best terms they can with the owners, and are generally permitted to remain upon condition of paying rent, furnishing labour, or both as the case may be. No doubt it has been made profitable by land speculators to purchase Crown or other land and let it to native tenants at high rates. Such occupation is pernicious to both races, encouraging the far-reaching evil of absentee landlordism on the one side, and on the other barring the progress of the natives by insecurity of tenure.”

He would ask the Under-Secretary whether there were any means for preventing the continuance of that system of imposing disabilities by executive acts even under the new Constitution? The clause of the Constitution referring to native lands said—

“No lands which had been, or may hereafter be, set aside for the occupation of natives shall be alienated, or in any way diverted from the purposes for which they are set apart, otherwise than in accordance with a law passed by the Legislature.”

He believed that there were now unalienated areas of Crown lands, and he asked whether they should not be delimited before that clause of the Constitution came into operation. The necessity of protecting the natives was shewn by what had happened to them in the Transvaal since we went into that country. The natives were subjected to very severe pass laws, and these had been modified so far as flogging was concerned by the right hon. Member

for West Birmingham, who had declared after his return from South Africa that the treatment of the natives had not been very bad. The right hon. Gentleman the Member for West Birmingham, in a speech in the House of Commons on 19th March, 1903, said—

“There is one thing I am bound to say in justice to our late opponents. I was led to believe that the treatment of the natives by the Boers was very bad. Now the war itself is evidence that this charge against the Boer was exaggerated. I freely make that admission. . . . The Boers did in hundreds and thousands of cases leave their wives and children and property to the care of the few natives they had previously on their farms. . . . Of real brutality, violent misconduct, or ill-treatment, they must be absolved. They have not been regarded, on the whole, as hard or severe masters by the natives.”

They had been subjected to extremely complicated and harsh laws since our occupation of the Transvaal. On an average eighty-nine natives in the Transvaal were convicted every day under the pass laws, many of them having broken these laws without intention. Those pass laws the Attorney-General of the Transvaal said needed revision, and the fact that we had disarmed the natives gave them an additional claim to protection. Complaints were made by some of the chiefs that the treatment of the natives was worse now than under the Boer Republic. Then again, there was class legislation, and the limiting of the natives as to how and where and at what wage they should work. Further, the natives were subjected to enormous taxation. He had been surprised to find that the natives were paying more in direct taxation than the whole taxation levied on the profits of the gold mines of the Transvaal. In 1904-5 the poll tax amounted to £407,680, and other taxes, including passes, certificates, and dog tax amounted to £245,898—a total of £653,678 or 50 per cent. more than the taxes of £414,000 on the whole of these great gold mines. And what did the natives get out of taxation? Only £5,000 a year was spent upon them. In the Cape Colony the total taxation of the natives amounted in 1904 to £124,446 although they numbered 1,500,000; and the amount spent upon them in that colony reached £66,000 as compared with £5,000 in the Transvaal. That

showed clearly that the natives were being exploited for the sake of other sections in the country. Sir Arthur Lawley had said that in his opinion if the present burthen of taxation of the natives was increased as it had been by the regulations above referred to it would mean serious unrest and trouble, and would result in a large number of the natives leaving the Transvaal and going elsewhere. The condition of the natives in the Transvaal was really becoming intolerable and deserved the serious consideration of His Majesty's Government. In regard to the want of labour, the alternative was that more inducements should be held out to the natives, and that they should be paid fairly for their labour. After the war their wages had been reduced to half what they were before the war, and though again increased they had never yet been raised to the level of 1897. The Commissioner of Native Affairs had stated that the conditions of labour imposed on the natives had last year driven 19,932 natives out of the Transvaal. Then, the death rate after the war was appalling. He would suggest that the native system in Cape Colony should be adopted in the Transvaal. There was no difficulty in inducing the natives to come forward in the former Colony to work on railways and other public works, and diamond mines, because the wages paid were fair, and the death rate was low. Under the existing *régime* all interests were dissatisfied. The British Indians had complained that they were worse off than before the war, as had also the natives, and the Boers who had had their property destroyed and had not had their receipts honoured were certainly worse off. The whites as a whole were worse off, because although there was more gold there was less work. Crown Colony rule had brought about again the same evils that it had entailed in the past. The relations of the Transvaal with the other Colonies were becoming increasingly strained under the existing *regime*, and had already resulted in Natal and the Cape being robbed through Delagoa Bay. Questions had arisen which were pressing for a solution, and which could only be settled by the concession of a large measure of self-government to the Transvaal and

Orange River Colony. The new Constitution substantially placed the affairs of the Colony in the hands of the people, and so would enable them to redress these grievances. It had been said there was grave danger in giving this Constitution now, but it had been the consistent policy of the British Government to give self-government to those who were able to govern themselves. Even if it had not been so the main lines of this Constitution were settled at Vereeniging. If it were only a question of the time when it should be given he would point out that such evils as these were only accentuated by delay. We must trust all in all or not at all. The concession of abundant freedom had always been successful, the limitations had not. He had been unable to follow the arguments of the right hon. Member for St. George's, Hanover Square, with regard to federation, because if there was one thing more clear than another it was that federation could not possibly take place until these two Colonies had self-government, and had had it for some time. There could not be federation between self-governing Colonies and Colonies under Crown Colony rule. Our great hope in the future lay in federation. In that lay the solution of the difficulties in dealing with the native population. Those difficulties would not then be treated with the frantic *esprit de corps* with which they would be treated by those who lived just on the border. They would become only one of the many questions dealt with under federation in which other influences would be brought to bear. And the success of the native policy of Cape Colony was sufficient to demonstrate that native affairs would then be conducted with liberality and success. Those who depended on the introduction of Chinese labour for success fought against the principles of human nature itself which render it impossible to erect a permanent fabric of prosperity on a foundation of injustice and cruelty. They forgot that industry herself is the common offspring of knowledge and liberty. This liberty would be conferred by the Constitution just granted to the white inhabitants of the new Colonies. He trusted it might be the unceasing care of His Majesty's Government that it might be soon so extended as to transcend the bounds of

colour and embrace all His Majesty's subjects in the new Colonies.

*MR. HILLS (Durham) said the natives of the Colonies had received a very powerful support from the hon. Gentleman who had just spoken, and all who had recently addressed the House had laid great stress on this part of the problem that confronted us. It was a very important question, and one of great difficulty, and he had listened with great interest to the right hon. Gentleman the Member for the Forest of Dean, who had put it more clearly than anybody, from the point of view of contact with the Dutch population of South Africa. It must be admitted that the Dutch view of the native treatment was not the same as ours. General Botha before the Labour Commission said that his view was that the natives should be made to work and the native reservations should be broken up. If we gave these Colonies self-government, he could not see how we could reserve the native question to the British Parliament. So far as we were pledged to the natives, and in so far as land had been set apart for their use with the sanction of the Imperial Government, we must keep our pledges. But the native question was one that must be settled locally, and though we in this country might differ widely from the views held in South Africa we must recognise that those were the views of the people who had to live with the natives, and it was for them to say what action should be taken on all native questions. In this view he was fortified by the fact that we here could not enforce a native policy which was against the wishes of a self-governing colony. The real control of these questions was bound to rest with the people of the country. If they had self-government all our checks were useless. It was indeed not to our advantage that we should have to settle these questions, which involved us in all sorts of responsibilities, otherwise we should be involved in all the dangers of a policy when we could not in the nature of things have any control over its administration. If we said that all laws affecting natives were to be reserved for this House; that the question of Swaziland, and all the native reservations, was to be

removed from South Africa and settled here, we should become absolutely responsible in the case of a native war, and derive none of the advantages of such a policy. This question was mixed up with the question of labour. The gold industry was the mainspring of South Africa. The hope of the whole of that country had been based on the expansion of the prosperity of the Transvaal. All the Colonies since the war had largely increased their debts, and that increase of debts had not been for war expenditure but essentially peaceable interests. We saw in South Africa a large expenditure of capital on the faith of that single industry, and we in this country must not prevent, but on the contrary, must, so far as we could, develop that industry and leave it to the people of the country who were spending their money upon it to see that it was carried on. It would be quite unfair for us to say "We have different views of indentured labour, and we will not allow you to work out a solution of the question." It was a matter for the people there, and it was for them to say that that labour should be either Chinese or African or whatever they liked. Nobody liked the idea of Chinese labour, but the fact remained that Chinese labour was there and that the Transvaal had to live. He hoped therefore that nothing would be done in the settlement of that question unless it was in accordance with the judgment of the people of the Transvaal. He had no objection to self-government in itself, but he thought we had given it in this case at the wrong time. Everyone would admit that the Party division in South Africa would be one of race. The rural population in the country would be against the manufacturing population of the town. It was on the result of a contest upon those lines that the whole future of South Africa depended. A time had been chosen to provoke this contest when, in spite of the gold output, the English element in the Transvaal was at its lowest, and the country in the most depressed condition. Since the 1st of January thousands had left the country and come home. Unfortunately, the time chosen for this great experiment was when the supporters of the British ideal were at their worst. The contest

was bound to come, but in his opinion it should not have been provoked until the conditions were more equal. A few years of a modified form of representative government, during which they could look forward to responsible government, was a very small thing in the life of a nation, but the Government had thought it wise to hurry this matter, and upon the Government must rest the responsibility. He thought the grant of self-government at this time was a great evil. Federation was the great aim of everybody, but how was it to be effected? Would it come as the result of British ideals or would South Africa be driven into it by reason of a feeling of hostility towards England? He feared very much that that was what we were doing. It seemed to him that all through we had slighted the people who were in favour of the British ideal. The Government had listened to those whose ideal of a United South Africa was not the same as ours, and had refused to listen to those who spoke for the British race. He feared therefore that the force which was to bind the two races together in South Africa would not be such as we should wish; and that, in his opinion, was the danger we should have to face in the future.

*MR. HEMMERDE (Denbighshire) said that, although he was impressed for a moment by the arguments of his right hon. friend the Member for the Forest of Dean with regard to the exclusion of the natives from the franchise, that impression was considerably lessened when he considered the wording of the treaty of Vereeniging. He failed to see how the Government who based their action on the faith of the treaty could now tear the treaty up. We had to stick to the words of the treaty, which excluded the black races from the voting lists. The hon. Member for Dumfriesshire, than whom few in this House spoke with more authority, had alluded to the part that federation must bear in the affairs of South Africa, and the hon. Gentleman's father had taken a great part in bringing forward schemes of federation many years ago before the blunders of statesmen in this country made those schemes futile. Time after time we had acted hastily in connection

with South Africa, but that was not entirely the fault of local statesmen. The blunders which undermined all Mr. Molteno's schemes for federation years ago were the blunders of the Home Government. Those schemes might be successful now, but he did not think they would come if the Government paid much attention to the advice of the right hon. Gentleman the Member for St George's, Hannover Square. The right hon. Gentleman would not have given the Transvaal and the Orange River Colony the Constitution we were bound to give them until he gave them federation. Would that be fair dealing? If we were going to give federation we ought not to give it until we built it on the solid foundation of trust in the people of the Transvaal and the Orange River Colony. The Government had now started in a different way. They were not going too fast. Many believed they were not going fast enough, but he would not like to see them going faster. Hon. Members opposite must have unpleasant visions before them of cases in which the predecessors of the Government went too fast. When he said that this Government was going slowly he also said he wished the Government of 1874 had gone slowly, and then we should not have had to face this difficulty. The Government had set out up that intermediate way which was often the path of wisdom. What they had done was not so much to direct as to suggest a way. And by doing what they were doing by this Constitution they were at any rate suggesting a way to the Transvaal. Many of these Chinese labourers would have to go home before the Transvaal Government would obtain a seisin of this question. He believed that under this Constitution 20,000 would have to go home next year, and in that case the Transvaal Government would have time to decide whether they could find native labour. He had always thought the case with regard to the shortage of native labour in South Africa had been exaggerated. There was no more bitter opponent of Chinese labour in this House than himself, but he had never urged with any appreciation from a public audience that Chinese labour in South Africa was slavery. What the British people resented was that after we were said to have

gone to war in South Africa to find work for white miners the places were taken by miners of another colour and that under circumstances which struck at the root of all the best principles of labour. That was what the people of this country objected to and tight hold should be kept by the Home Government of this question, because everybody knew there were methods which would be used to influence the Transvaal Government to keep the Chinese labourers in South Africa. He had often heard, during the few weeks he had been in this House, suggestions from the other side that the Government should carry out their election pledges and deal with the matter entirely themselves. Now they heard the complaint that they were dealing with it at all. That was not consistent, but perhaps he ought not to look for consistency. He did not at any rate expect to find it. But on that subject at least he contended there was a good case for reservation, and anyone who followed the history of our Colonial Government would recognise that it was wiser to suggest than to order. He was sure that by going slowly in this matter, progress would be a great deal faster. He suspected the Progressive Party out there to whose tender mercies we were to trust the fate of South Africa. He suspected them when he found their representatives over here standing in the way of every progressive reform. He viewed with grave suspicion the advocates of the Progressive Party in the Transvaal when they declared that they represented Transvaal opinion. Their voices and those of their representatives in the House of Commons were dumb on so many questions on which one would have expected them to speak. Hardly an objection had been raised to a nominated and probably an elected Second Chamber in the near future. We in this country would be glad to get what was given in that Constitution, and he had hopes that the time would come when free institutions might be extended to Great Britain and even Ireland. South Africa had been spoken of as a bankrupt country, or, at any rate, as a country on the verge of a financial crisis, but no word had been raised against its paying its members, which this rich

country, we were told, had not money to do. There was another question—that of manhood suffrage. The suggestion had been made before this debate arose that in this country the Liberal Party wished to bring the franchise lower than it was, but not a word had been raised here against the extension of the franchise, and for the reason that manhood suffrage would never bring the franchise lower than it was at present, but would bring into the line of citizenship every man of full age in the country. He supported the constitution of the Transvaal and Orange River Colony for one reason, because it contained the germs of reforms which we should welcome at home, and, for another, because it embraced those principles which had been of such importance to the development of this Empire. Lord Milner, speaking last Friday night, said—

“I have come to break a lance in favour of that school of thought which holds that the maintenance and consolidation of what we call the British Empire should be the first and highest of all the objects of every subject of the realm.”

He made so bold as to say that if that principle had been the underlying principle of our forefathers the British Empire to-day would be confined practically to these Islands. It was not the maintenance of the British Empire that they had always first in mind, but the prosperity of the particular country that they were dealing with, and it was by looking primarily to that that we built up the organisation called the British Empire. It was not by consciously looking to empire-building, so much as by governing in the spirit of empire. That was where they differed from Lord Milner and his friends in the government of empire. That was the spirit by which alone we could bring these two states within the bounds of the British Empire. They had heard to-night from the Under-Secretary how the old feelings were largely dead that separated the two races. How could we possibly banish still further those feelings except by mutually trusting the people? They cheered that now in the case of South Africa, but would they cheer it next year if similar proposals were made in regard to Ireland? They had heard how intermediate stages of government were generally a failure, but would they

hear it next year? This principle of trust was one upon which alone our colonial and domestic politics could be based. He was aware that under it we had to run a certain amount of risk, but it was the same risk that had built the Empire. They always ran a risk in appealing to men's better feelings, and in appealing to their larger and not their local patriotism. He did not, however, think we ran a very serious risk in the Transvaal or the Orange River Colony by trusting the people. The Constitutions they were now conferring upon South Africa were quite in harmony with the best traditions of English empire-building and colonial government, and for those two reasons in particular he heartily supported them. He had heard before such prophecies of ill as had been made in this debate. Those people who prophesied ill to-day, and who said the Government were going forward in a hurry had been indulging in such prophecies for years past. He noticed that an excellent cleric recently culled for his own purposes from the newspapers a number of cases relating to the prophets in sporting papers, and he showed how they had misled the people whom they were really trying to lead. He wondered whether, if somebody took the trouble to collect the number of cases in which they had been told they were going to ruin the Empire by trusting the people, the result would be any less ridiculous than in the case he had mentioned. They had got through those troublous times, and at the end of one of the most active sessions of Parliament, the Government had now put the crown upon their endeavours. They had gone the first step towards pacifying and consolidating South Africa, and as one who opposed the war from the beginning to the end, and thought that the policy now represented by such small numbers on the Opposition Benches was disastrous to the country and to the Empire, he welcomed this step which the Government had taken. It was a great step in empire-building on the old principle of trusting in the people, and not always suspecting that they were going to repay kindness with ingratitude. He welcomed this new development of the old principles of Colonial government, and he felt sure that good would come of it.

Mr. Hemmerde.

Only one point in this discussion had been made against the Government in regard to the natives, and that point was based upon a misapprehension of the terms of the Treaty of Vereeniging. He thought they were doing a wise thing in giving full trust and confidence to the people of the Transvaal and Orange River Colony, because they could not be treated as if they had never known what self-government was. Surely the best course to take was to give them a system of government as much like what they had had before as possible. There were many things in the old Transvaal Government not only excellent for that country but which this country would gladly welcome into our system of government. Round the old Constitutions of the Transvaal and the Orange River Colony were gathered all the traditions which were dearest to the Boers in those two countries. The people of this country should not forget, now that those two Colonies were our territory, that it would be wise to revive the sweet and not the bitter memories which had gathered round those institutions. He hoped that everything we did would be for the good of those countries, and that it would lead to the burying of all the hatreds and embitterments which the war had caused.

MR. SWIFT MACNEILL (Donegal, S.) did not think the debate ought to close without the intervention of at least one Irishman. He did not expect to hear a better speech than the Under-Secretary's until he heard a Minister of the Crown proposing responsible government for Ireland. He had heard congratulations on both sides of the House in regard to the establishment of what was hoped would be free institutions for South Africa. In those congratulations the Irish Members readily joined. When the South African cause was dark they advocated it with no uncertain sound, and hon. Members from Ireland frequently crossed the sea to vote against every farthing which was spent upon that iniquitous war. He had an Amendment on the Paper dealing with what was a small personal matter as compared with the great issues raised in this debate. Upon that Amendment he would not speak, because

he preferred to confine his remarks to the more general aspects of the question. Under the Letters Patent establishing responsible government in South Africa there had been a deviation from the established course of colonial procedure. It would be found, however, from searching history that the course now proposed was justified. He congratulated the Government on coming forward and giving responsible government at once. Ireland had not responsible government at the time of Grattan's Parliament. If there had been responsible government in Ireland, then the Union could never have been carried. When the Union was first proposed in Ireland, at a time when there was responsible government, the proposal was defeated. In Canada the French and English communities were at daggers drawn so long as there was not responsible government. It was proposed to confer responsible government in South Africa on people who only three years ago were fighting against the British, and it was known that they did not bear this country any great love. Could a democratic Parliament which was doing that refuse to the Irish people exactly the same rights which were given to South Africa? The hon. Member for Durham had objected to the reservation of the questions of Chinese labour, Indian labour, and other things. During the debates in Committee on the Home Rule Bill in 1893 the Amendments moved from the Tory benches related to nothing but reservations with respect to the proposed Irish Parliament, but now hon. Members who spoke from the same benches thought that the House must give South Africa everything, and that there should be no reservations at all. They pretended to trust the people. We remembered a great man saying that if they trusted the people at all they should trust them completely. He had listened with great interest to the debate. He thought it had been conducted with great moderation on both sides; and he hoped that they would have the same fair field when the Irish Bill came on next year, and that what was being given to South Africa would not be denied to the Irish people. But whether that should be so or not, it was with satisfaction he remembered that for generations through 106 years, Irish Members

had been foremost in upholding the principles of liberty and free government here. It was the Irish members who mainly relieved the West Indies from slavery; who gave to the English working classes the franchise; who endowed Canada, Australia, and South Africa with self-government; and he appealed to the British democracy not to give one law to South Africa, and another law to Ireland which had done so much for the Empire. He thought he had given a very delightful lesson in constitutional law, and he hoped that in the good time coming next year his friends opposite would apply to Ireland that which they were doing now to the Transvaal, and aid the cause of liberty by the restoration to Ireland of responsible self-government.

MAJOR SEELY (Liverpool, Abercromby) said that there was little difference between the two sides of the House that day, and perhaps there would be as little difference on the occasion to which the hon. Member had just referred. Such difference as there had been related to the time and the reservations. He saw an enormous advantage in granting the Constitution as soon as possible after the war. They were all agreed that self-government must be granted sooner or later, and the only question was whether it was to be given now or three or four years hence. No shot had been fired after the conclusion of peace, and the leaders of the Boers, including General Botha and Mr. Smutz, who fought against us so bravely for three years were now our steadfast coadjutors, determined to run this Constitution for the good of South Africa. The right hon. Gentleman the Member for West Birmingham knew something of the nature of the problem, and in one of his speeches argued for granting self-government first to the Orange River Colony, and at least there there was no reason for delay. In the reservation in regard to natives the Constitution differed from others in being less than could be found in previous Colonial Constitutions. It was the duty of an Imperial Government to have consideration for the rights of British Indians. In land settlement a compromise had been arrived at, and, having in mind bitter memories of Majuba, it was well to

establish the Land Board. For his own part he absolutely trusted the Boers after knowing them well and believed that they would be entirely friendly to us. Of Chinese labour he could say they could see the end. It was well it should be so. Few Members had realised the strong feeling in the Transvaal on the subject. This Constitution showed what we meant. It stated that it was His Majesty's "will and pleasure that all persons within our dominions" should be free from any conditions of employment or residence of a servile character, and that they should not be segregated from their kind. He fully admitted that his friends opposite did not know when they sanctioned the Chinese Ordinance the full consequences which would follow from it. The right hon. Member for St. George's, Hanover Square and his friends must remember that within twenty miles of the Rand there had been outrage, murder, and rapine by the Chinese, and that fathers had to sleep with arms at their side, in order to protect their wives and children from the invasion of these Chinese, who had escaped from the compounds. Therefore, they might well say, "Thank God there is an end to this hateful and evil experiment, and we fully think that these words in the Constitution will prevent its ever reviving again." They felt, as he had said, that men should not be segregated from their kind, and that all who came into British dominions should come free, or not at all. It would not have been necessary to have placed this clause in the Constitution but for the fact that the great principles for which he and his friends stood had for the first time for 100 years been violated. Nothing now remained except for them unanimously to vote that they approved of this Constitution, and to hope that brighter days would dawn for South Africa.

MR. CHURCHILL: Other important business awaits the attention of the House, and therefore I venture to suggest we may as speedily as possible bring this debate to a close. The debate has roamed over a wide area, and covered the whole expanse of South African affairs. The debate has clearly shown that after long and perilous voyages

through very rough weather South African affairs, so far as the House of Commons is concerned, are returning to calmer waters. That is shown by the attitude of the House during the course of the discussion, by the temperate and reasonable speeches which have been made from so many diverse and contrasted points of view, by the fair, dispassionate, and conciliatory attitude of the right hon. Gentleman the Member for St. George's, Hanover Square, and by the discursive and comprehensive, though not too stringently localised, criticisms of my right hon. friend the Member for the Forest of Dean. There are only a few outstanding points on which it is my duty to give to the House information which has been asked for. But let me first point out to my right hon. friend that he awakened almost terror in my heart when he said it was not possible by Letters Patent to annul or to override an Ordinance which had been passed under Crown Colony Government in the Transvaal. If that were so, the whole keystone of our anti-Chinese policy would be loosened, if not entirely detached; and I am sure no one will be better pleased than my right hon. friend to learn that in regard to any legislation which was passed by Ordinance, Letters Patent are effective for the purpose of nullifying or over-riding. I find that we take special precautions in the Letters Patent to reserve to ourselves the power of dealing with legislation by further direct authority of the Crown whenever its pleasure might be made known. I now pass to the points upon which I was questioned by the right hon. Gentleman opposite. The right hon. Gentleman spoke first of the Ridgeway Report. The Cabinet have decided that that Report should not be published, not because it runs counter to the decisions we have announced, not because as it is suggested, and, I think, scandalously suggested, that it would not sustain the full measure of self-government which we decide to confer on both States. That is not the case. The Report was in its character, from beginning to end written as a confidential document for the information of the Cabinet.

MR. LYTTTELTON: The Chairman did not say so.

MR. CHURCHILL: I am dealing with the Report, not with anything which Sir West Ridgeway may have imparted to the right hon. Gentleman.

MR. LYTTTELTON: It was in a public speech.

MR. CHURCHILL: I did not understand that it was made in a public speech. But, in any case, His Majesty's Government were the persons who appointed the Commission, and we are the judges of the confidential character of their work. The Report deals in a very capable manner with all sorts of intricate party matters among the parties or groups of South Africa, and although I do not consider that, now that our decision is known, any serious public injury would result from the publication of the Report, I do undoubtedly think that, on the whole, it is better that the confidential character of a confidential document should be preserved in perpetuity. The second point on which the right hon. Gentleman's criticism rested is the reservations contained in the Constitution. The right hon. Baronet with his political acumen has already foreseen the ease with which it would be possible to play him off against the right hon. Gentlemen opposite. It is quite true that the Government has in this matter taken a middle course, and I venture to think it is the middle course which would be forced upon anyone who occupied the position of Executive responsibility in these most grave and complicated questions of the relations of black men and white men in South Africa. We are not responsible for introducing the principle of a colour bar. We are responsible for fulfilling our treaty obligations, and nothing was more clearly stipulated in the Treaty of Vereeniging than that an extension of the franchise to the native population was not to take place before the grant of responsible government. But I do not at all regard that stipulation as closing the matter permanently. I believe we shall see in the next few years a distinct and powerful forward movement in South Africa in the direction of the admirable system which prevails in the Cape Colony. But the case of the British Indian is the one on which I feel more strongly than on the native, because

our Indian fellow subjects are raised an immense step in civilisation above the African savage, and, after all, we cannot forget what use was made of the claims of the British Indian in the days before the war. What will be our policy in regard to any such movement? We shall encourage it and stimulate it by every means in our power. There is no difference between the Government and their supporters on three sides of the House upon the principles which they desire to see prevail in these matters. But in the end South Africa is going to settle this question for herself. We shall endeavour to influence and guide her opinion, and to modify and restrain anything which is considered of a harsh or intolerant character. We shall foster and develop a humane, broad-minded, and liberal native policy, but the people in South Africa are the persons who will be increasingly charged with the effective decision in all these matters. The day will come, perhaps a not very distant day, when South Africa will be confederate, and then there will be a much more stable platform for the transaction of native affairs than exists at present. Then I think the good sense of one part may redress anything in the nature of hasty or excited emotion in another part of the country; and then, increasingly, influence, interference, or suggestion in these matters on the part of the Imperial Government will become weakened, and increasingly the main decision of these affairs will pass to the white inhabitants of South Africa. I pass to the question of the Chinese and the Chinese reservation. The right hon. Gentleman has raised, I hope for the last time, the old question of the employment of Chinese labour on its merits. Our old friend the Guiana Ordinance has been brought forth from its stable and again cantered over the course with much gallantry and energy. The right hon. Gentleman knows perfectly well the great and fundamental differences which separate the employment of Chinese labour under existing conditions in South Africa from the conditions of labour importation under the Guiana Ordinance, where the labourer comes in with his wife and family if he wishes—and a high percentage did bring their women folk—where he lives in his villages

just as he would in his own country, and where at the expiration of his contract he remains to dwell in the land. I will not this evening attempt to re-open such a controversy as that, except to say that I believe all the apprehensions and prejudices which have been felt in this country, and felt intensely among the poorer people whose lot it is to labour with their hands, have been fully justified by everything that has happened in regard to Chinese labour. When I read in the newspapers of proposals that are being made to import Chinese into European countries for the purpose of reaping a harvest, or in other ways of competing with white people who live in these countries, I think the attitude of the working classes of this country was only another instance of the shrewdness of the instincts of persons when the very sources of their livelihood are assailed. In regard to Chinese labour we have scrupulously kept our promises to the House of Commons, but I do not think we have been guilty of breaking contracts or pursuing a course which must lead to breach of contracts. The conditions under which the Chinamen came into Africa were very peculiar; any man may make a contract with another man, but the contract which the Chinese labourers made with their employers required a special Ordinance to make it wholly effective. The contract and the Ordinance must be taken together. As the Chancellor of the Exchequer pointed out, the Ordinance is entirely within the discretion of this Government while we are responsible for South African affairs. It will hereafter be entirely in the discretion of the local government. It is obvious that the Ordinance can be amended and altered, and it is also evident that the fulfilment of the contract depends on the existence of the Ordinance; and therefore, in making alterations of the Ordinance, or in annulling or suspending it, we are not, I hold, breaking the contracts between the Chinamen and the employers, but merely refusing to enforce contracts which, no doubt, exist by methods which we do not consider in accordance with public interests and policy. The other question of importance that had been raised was the question of the Robinson group. The right hon. Gentleman has spoken of the special preference which the Govern-

Mr. Churchill.

ment have given to Mr. J. B. Robinson. It was not our desire to give any preference to Mr. Robinson or to any other gentleman connected with South African goldmining industries; but we could not view without anxiety the concentration of the whole black labour supply in the hands of the Witwatersrand Native Labour Association—that powerful body which exerts such immense influence on local politics, and which in a hundred ways has woven itself into all the apparatus of economic and social life in Johannesburg. This body, which has a tremendous and sinister control over the local Press, and whose influence may sometimes be traced by the perspicacious student even in the columns of some of our leading newspapers—this body was given by the Chamber of Mines the power of turning off or on, as a tap, the supply of native labour. It is very curious that when it was necessary to establish a case for Chinese importation the supply of native labour shrank, and now that competition is threatened the supply of native labour collected by the Witwatersrand Native Labour Association has marvellously expanded. All we have said is that the Witwatersrand Native Labour Association is a voluntary body, and that when a respectable and responsible firm or body of mineowners desire to secede from it we are not prepared to refuse their request provided they give proof of their substance and responsibility. In order to procure that, we have embarked on negotiations with the Portuguese Government which are now reaching, if they have not already reached, a satisfactory conclusion; and I have every reason to believe that the special agreement which has been made between the Portuguese Government and the Witwatersrand Native Labour Association will shortly be denounced in the usual manner.

MR. LYTTTELTON asked how it was the Government allowed only Mr. Robinson to recruit.

MR. CHURCHILL: We should be quite prepared to consider the application of any other firm of equal *status* and responsibility. But these inquiries take time, and persons who desire

facilities should pause before they break with the Native Labour Association until they have satisfied the Government of their *status* and responsibility, for otherwise they might find themselves in the awkward position in which they have endeavoured to place Mr. Robinson of being unable to get natives themselves or to draw from the supplies of the Native Labour Association. I hope I have not imported any unnecessary controversy into the debate on the Transvaal Constitution. It is the earnest desire of the Government to steer colonial affairs out of English party politics, not only in the interest of the proper conduct of those affairs, but in order to clear the arena at home for the introduction of measures which affect the masses of the people. We have tried in South Africa to deal fairly between man and man, to adjust conflicting interests and overlapping claims. We have tried so far as possible to effect a broad-bottomed settlement of the question which should command the assent of people even beyond the great party groupings which support us. We do not ask hon. Gentlemen opposite to share our responsibility. All we ask of the Opposition is not to add to our difficulties, but to give the policy which has been determined on as good a chance as possible of success. The responsibilities of the Government are heavy. They now pass in a large measure to the members of the new Parliaments. Other liberties besides their own will be enshrined in those Parliaments. The people of these Colonies, and, in a special measure, the Boers, will become the trustees of freedom all over the world. We have tried to act with fairness and good feeling. If by any chance our counsels of reconciliation should come to nothing, if our policy should end in mocking disaster, then the resulting evil would not be confined to South Africa. Our unfortunate experience would be trumpeted forth all over the world

wherever despotism wanted a good argument for bayonets, whenever an arbitrary Government wished to deny or curtail the liberties of imprisoned nationalities. But if, on the other hand, as we hope and profoundly believe, better days are in store for South Africa, if the long lane which it has been travelling has reached its turning at last, if the words of President Brand, "All shall come right," are at length to be fulfilled, and if the near future should unfold to our eyes a tranquil, prosperous, consolidated Afrikaner nation under the protecting ægis of the British crown, then, I say, the good as well as the evil will not be confined to South Africa; then, I say, the cause of the poor and the weak all over the world will have been sustained; and everywhere small peoples will get more room to breathe, and everywhere great empires will be encouraged by our example to step forward—and it only needs a step—into the sunshine of a more gentle and a more generous age.

*MR. CREMER (Shoreditch, Haggerston) asked if the Under-Secretary for the Colonies would enlighten the House on one or two points which, notwithstanding his able and lucid speech, had not been made, at least to him, quite clear. He understood that of the two bodies set up in South Africa one was to be elected and one nominated, and they were to exist for five years. But he did not quite understand what was to happen at the end of five years; was it quite certain the nominated body would from that time cease to exist as a nominated body and forthwith become an elected body, if so by whom was it to be elected, and who was to decide these questions? In Norway he thought the solution of a second Chamber had been found. In that country there was one simple suffrage and one vote, and as soon as a new Parliament was elected the first thing done by the members was to select one

fourth of their number to constitute a Chamber of Revision or Upper House. The same provision was made for avoiding a deadlock as that contained in the projected Transvaal constitution which they were now discussing; but was the same method to be adopted in the election of the two bodies in the Transvaal? If the two chambers disagree and there is a deadlock the two bodies meet and the majority decided the question at issue. On these two points he could not quite follow the hon. Gentleman, and he thought it would be well that they should not be left in the dark.

Question put and agreed to.

Resolved, That this House approves the Grant of Constitutions conferring responsible Government upon the peoples of the Transvaal and Orange River Colonies.—(*Mr. Churchill.*)

TRADE DISPUTES BILL.

Lords Amendments considered

Lords Amendment, in page 1, line 18, after the word "attend," to insert the words "peaceably and in a reasonable manner," read a second time.

*SIR JOHN WALTON, in moving that the House disagree with this Amendment, reminded the House that, while the words quoted appeared in the Bill as originally framed, they were after consideration deliberately omitted by the House because of the impossibility of defining "reasonable manner." No standard which should be universally applicable and recognised as to the conduct of those engaged in the operation of picketing could be arrived at beforehand so that those who proposed to exercise the right could know whether they would come within the

clause or not. The words would be of no practical advantage, and would be apt to lead to violation of the law. For those reasons he hoped the House would consider that the Government were justified in inviting them to disregard this Amendment.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Sir John Walton.*)

LORD R. CECIL (Marylebone, E.) thought the House was in rather a strange position because these were, after all, the words originally placed in the Bill as it was read a first and a second time and as it passed through Committee. These very words had been strenuously advocated by the Attorney-General as necessary and desirable for the proper working of the Act, and for the defence of the rights of the various persons who would be affected. But when they came to the Report stage of the Bill the Attorney-General took an entirely different view, and said that if they inserted "peacefully" later on there would be no object in inserting "peaceably and in a reasonable manner." At that time the Attorney-General said that on the whole the words he proposed were the least liable to misconstruction. Now the hon. and learned Gentleman declared that the insertion of the words would be a serious danger and ought to be excluded. It was a very unfortunate thing that the principal legal adviser of the Government should have taken two if not three different views upon this point. He did not think that the difference between the words which the Government inserted on Report and those which the House of Lords had inserted was a very serious matter, and he did not care

Mr. Cremer.

very much whether the House accepted or rejected the Amendment.

MR. BOWLES (Lambeth, Norwood) did not think the Attorney-General had touched the real point. The question was whether or not the picketing to be allowed should be done peaceably and in a reasonable manner. What was the reason which the hon. Gentleman had given why this House should decline to insist that these operations should be done in a reasonable manner? He said they should leave out the word "reasonable" because it was impossible of definition. That very point was urged against the Government by Gentlemen below the gangway. The Attorney-General, in defending his original proposal, said that—

"While it was possible that the word 'reasonable' might raise some difficulty in application he could not conceive any expression more appropriate or more likely to do justice on the whole to all the parties concerned."

That was the opinion of the Attorney-General upon a dry point of law and interpretation, and it was a little unfortunate that the House should have been placed in such a position in this matter.

*SIR JOHN WALTON: After making that speech, I entirely recast the clause.

MR. BOWLES said that although the new clause substituted "peacefully" for "peaceably" it did not alter the validity of the argument he had used in respect to the words "peaceably and in a reasonable manner." The picketing was not now to be done in a reasonable manner. This was an important matter, and if the Motion was pressed to a division he should vote against it.

MR. F. E. SMITH (Liverpool, Walton) said that as one who thought this Bill was a very bad one, he might be allowed to state to the House why he accepted the proposal of the Attorney-General. He did not think it would be the wish of the House that he should attempt to follow the Government in the tedious and conflicting arguments which they had laid before the Committee and the House upon this point. The reason why he should adopt the proposal of the Attorney-General was that, after giving the best consideration to the clause as originally drafted and to the clause as it was subsequently redrafted, he had formed the opinion that the House now possessed as valuable a security for preventing legal excesses on the part of trade unions and picketing as they had in the clause in its original shape. He supposed that they would all be agreed that Courts of law should be in a position to deal with those who had committed these illegal acts. He did not think that hon. Members below the gangway would consent to the redrafted clause of the Attorney-General or dissent from the Amendment based upon that which had been made by the House of Lords, because they had stated over and over again that their object was to keep themselves away from the arbitrary decisions of magistrates. It was because he believed that the clause as redrafted by the Attorney-General left trade unionists more in the hands of juries as to the construing of their action that he supported the Motion of the hon. Gentleman.

Question put, and agreed to.

Lords Amendment, "in page 2, line 12, to leave out from the word 'nine' to the

end of the clause, and insert the words 'Provided that the said trustees shall not be made liable in any action for any tortious act committed for or on behalf of the union where such tortious act does not touch or concern the property, right, or claim to property of the trade union,'” the next Amendment, read a second time.

*SIR JOHN WALTON said [it was with regret he moved that the House disagree with this Amendment because he would have been glad to have proposed agreement with the insertion of the words 'if he had been able to come to the conclusion that they would accomplish the object for which they were inserted, and that they did not expose the Bill to misconstruction. The House would recollect that when they discussed this matter it was pointed out by some learned Members that the application of certain *dicta* of an eminent Judge in a well-known case made a trade union liable for acts which did not directly, or immediately, or even indirectly, arise in furtherance of a trade dispute. It was necessary in consequence to modify the clause in order to avert that danger. He confessed he could not conceive of an act which should be done in contemplation or furtherance of a trade dispute which touched or concerned the property of the union, because acts done in furtherance of a trade dispute were not acts done by the use directly, at all events, of the union property. Certainly the real property of a union could scarcely be employed in furtherance of a trade dispute. On the whole, it did not appear to him that the adoption of these words would in practice, and possibly not even on a strict construction of the language create an immunity for which the trade unions did not ask, and which it was not

sought by this legislation to confer upon them. On the other hand, if the words were not omitted, there would be considerable danger that they would paralyse trade unions in all their proceedings in contemplation or furtherance of a trade dispute.

Motion made and Question proposed, “That this House doth disagree with the Lords in the said Amendment.”—(*Sir John Walton.*)

*MR. CAVE (Surrey, Kingston) thought the clause in the Bill, which conferred the immunity of the trustees to acts done in contemplation or furtherance of a trade dispute, was in that respect better than the proviso sent down by the House of Lords.

Question put, and agreed to.

Lords Amendment, “in page 2, line 24, after the word ‘dispute’ to insert the words ‘between employers and workmen, servants, or persons employed in any trade or industry whether in such employer’s employment or not,’” the next Amendment, read a second time.

*SIR JOHN WALTON moved to amend the Lords’ Amendment by leaving out from the word “workmen” to the end of the Amendment in order to insert “or between workmen and workmen,” and to add words defining the word “workman” as including all persons employed in trade or industry, whether employed by the employer concerned in the dispute or not. He said that the clause as he proposed to amend it would cover the case of the sympathetic strike by destroying the construction which had been placed on the words “employer” and “workman” as they were used in Section 3 of the Act of 1875. For

those reasons he begged to move to amend the Lords' Amendment by leaving out on page 2, line 34, from the word "workman" to the end of the Amendment, in order to insert "or between workmen and workmen."

Motion made, and Question, "That the words proposed to be left out stand part of the said Amendment," put, and negatived.

Question proposed, "That the words proposed be there inserted."

MR. F. E. SMITH thought the Amendment framed by the Attorney-General carried out more effectually what was aimed at by the House of Lords, and he hoped that the House would assent to it.

MR. CLEMENT EDWARDS (Denbigh District) said he had some misgiving as to whether the Amendment would cover a case which not unfrequently arose where the dispute was not between the employer and his workman but between the employer and a trade union official. He was quite sure there was no intention of excluding such a case from the purview of the Bill.

LORD R. CECIL said he must honestly admit that the Amendments proposed both in the other House and that drafted by the hon. and learned Attorney-General were so complicated that he did not feel absolutely certain what they really meant, and whether they would exclude cases which he feared might arise in Ireland.

MR. RUFUS ISAACS (Reading) said he did not share the doubts of the hon. Member for East Marylebone. The Amendment had been very carefully considered,

so as to cover every possible case and to remove any reasonable apprehension.

Question put, and agreed to.

Lords' Amendment, as amended, agreed to.

A consequential Amendment made to the Bill.

Committee appointed to draw up reasons for disagreeing to certain of the Amendments made by the Lords to the Bill.

Committee nominated of, Mr. Attorney-General, Mr. John Burns, Mr. Lloyd-George, Mr. Solicitor-General, and Mr. Whiteley.

Three to be the quorum.

To withdraw immediately.—(*Sir John Walton.*)

MERCHANT SHIPPING ACTS AMENDMENT (No. 2) BILL.

Lords Amendments considered.

THE PRESIDENT OF THE BOARD OF TRADE (MR. LLOYD-GEORGE, Carnarvon Boroughs) said that most of the Amendments were drafting Amendments, and he proposed that the House should agree with them with one exception.

Lords Amendments to the Amendment, in page 29, line 35, read a second time, and agreed to.

Lords Amendment, in page 20, line 35, after "therein" insert as a new sub-section—

"(2) It is hereby declared that where the registry of a ship is considered as closed under sub-section (1) of Section 21 of the principal Act as amended by this

section, or under sub-section (10) of Section 44 of that Act, on account of a transfer to persons not qualified to be owners of British ships, any unsatisfied registered mortgage (including mortgages made under a certificate of mortgage) may, if the ship comes within the jurisdiction of any British court which has jurisdiction to enforce the mortgage, or would have had such jurisdiction if the transfer had not been made, be enforced by that court notwithstanding the transfer, without prejudice, in cases where the ship has been sold under a judgment of a court, to the effect of that judgment," the next Amendment, read a second time.

MR. LLOYD-GEORGE moved to amend the new sub-section by substituting for the words "British court" the words "Court in His Majesty's Dominions."

Amendment agreed to.

Lords' Amendment, as amended, agreed to.

Subsequent Lords' Amendments, read a second time, and agreed to.

NATIONAL GALLERIES OF SCOTLAND BILL.

As amended, considered.

MR. MORTON (Sutherland) asked why the Amendments to this Bill had not been reprinted for the Report stage. It was the usual practice to reprint a Bill in order to give hon. Members an opportunity of seeing whether they were satisfied with the Amendments which had been made to it. They were told that Scotland would get some money by this Bill, but he did not think it would be much. At all events, it would

not be what was due to Scotland in regard to this and other measures. He objected to the Bill because it was unworthy of the people of Scotland, and he contended that before they spent money on bricks and mortar in Edinburgh, something should be done for the crofting counties and otherwise for the benefit of the country. In respect of the promises which had been made of legislation for Scotland, it was understood that she would have to wait, which was very hard seeing that Scotland had consistently supported the Liberal Government. The latter, however, offered them this little Bill instead of doing something to assist the people.

Motion made, and Question "That this Bill be now read the third time," put, and agreed to.

Bill read the third time, and passed.

MESSAGE FROM THE LORDS.

That they have agreed to Burials Bill, with Amendments.

BURIALS BILL.

Lords' Amendments to be considered forthwith; considered, and agreed to.

TRADE DISPUTES BILL.

Reasons for disagreeing to certain of the Lords' Amendments reported, and agreed to.

To be communicated to the Lords.—
(*Sir John Walton.*)

Whereupon MR. DEPUTY SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at eight minutes after
Twelve o'clock.

HOUSE OF LORDS.

Tuesday, 18th December, 1906.

The Lord Templemore sat first in Parliament after the death of his father.

PRIVATE BILL BUSINESS.

EDINBURGH SUBURBAN ELECTRIC TRAMWAYS ORDER CONFIRMATION BILL.

Bill read 3a (according to order).

LORD HARRIS said he had some Amendments on the Paper which he understood the Government would accept. They were Amendments which had been put into every Bill of the same character hitherto, and they were practically drafting Amendments. He therefore proposed to move them *en bloc*.

Amendments moved—

"In Clause 33, page 16, line 29, after the word 'therein' to insert the words 'thereover'; in Clause 64, page 48, line 13, after the word 'tramways' to insert the words 'and the said section thirty (except sub-sections one and five thereof) shall in its application to the tramways have effect as if wires or apparatus laid in a road included wires or apparatus erected or carried over a road or footpath'; and in Clause 92, page 58, line 4, after the word 'general' to insert the words 'or telephonic communication by means of any apparatus of the National Telephone Company, Limited.'"
—(Lord Harris.)

*THE CHAIRMAN OF COMMITTEES (The Earl of ONSLOW): Before the noble Lord in charge of the Bill informs the House whether or not the Government are prepared to accept these Amendments, I should like to enter a protest against the course pursued. In the first place, I do not think the Amendments can be called drafting Amendments; nor is it accurate to say that they have always been inserted in Bills under similar conditions. Secondly, I do not think it is a practice which ought to be followed for Amendments of this kind to be proposed in your Lordships' House on Third Reading when there has been ample opportunity under the Scottish Procedure Act of bringing them under the notice of the Commissioners in Scotland and getting a decision there after the arguments have been heard. I think your

Lordships would be well advised, where Amendments of this kind are proposed on third reading and are opposed, not to give your sanction to them. These Amendments are, as I understand, agreed Amendments, I shall, therefore, not invite your Lordships to reject them.

LORD HARRIS explained that the power which the company on whose behalf he was acting had was to apply for a Joint Committee of both Houses in another place; but they were advised by those who generally helped them in these matters in the House of Commons that owing to the mass of business and the late period of the session it was practically impossible for them to obtain that Joint Committee. The First and Second Readings were taken very unexpectedly on Friday, and it was only yesterday that he had an opportunity of putting down Amendments.

LORD BALFOUR OF BURLEIGH thought the noble Earl the Chairman of Committees was quite right in advising the House not to accept opposed Amendments at this stage. He renewed the protest he had made on the previous day against Order Bills of this kind being brought up from the House of Commons one day and passed through all their stages except the Third Reading, and then put down for Third Reading on the following day, thereby preventing the moving of Amendments except without notice. There ought to be at least an interval of one day between the notice that the Bill was to be read a second time and the actual reading of the Bill.

*LORD HAMILTON OF DALZELL: These Amendments are not opposed by the promoters of the Bill, and I am instructed to accept them.

THE MARQUESS OF RIPON: I quite agree with what fell from my noble friend Lord Balfour. I think he is quite right in saying that it is undesirable that this sort of thing should take place; but, as I understand, my noble friend at the Table is not inclined to question the matter at this moment either on that or on any other ground; I think your Lordships, therefore, need not press the matter further. If my noble friend at the Table had

objected to these Amendments in the circumstances, I certainly should have supported his authority.

On Question, Amendments agreed to.

*LORD HAMILTON OF DALZELL moved two Amendments on the Paper standing in his name. He said the first gave effect to an arrangement between the promoters and the Postmaster-General, and the second simplified the process of arbitration in the case of the undertaking being taken over by a local authority.

Amendments moved—

'In Clause 92, page 58, after subsection (4) to insert the following subsection: (5) All provisions of the Conveyance of Mails Act 1893, relating to the conveyance of mails on tramways shall apply and have effect in relation to the omnibuses provided under this section as if such omnibuses were carriages on tramways authorised after the first day of January, one thousand eight hundred and ninety three; and in line 11, to leave out from the word 'account' to the end of the sub-section.'—(Lord Hamilton of Dalzell.)

On Question, Amendments agreed to; Bill passed, and returned to the Commons.

PETITIONS.

EDUCATION (ENGLAND AND WALES) BILL.

Petition against; of inhabitants of parish of Oundle-with-Ashton; read, and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

ARMY.

Report of the Army Medical Department for the year 1905. Volume 47: Presented (by command), and ordered to lie on the Table.

WEST HIGHLAND RAILWAY (EXTENSION FROM BANAVIE TO MALLAIG.

Fifth Annual Report by the Board of Trade as to the condition and working of the Banavie to Mallaig Railway, the rates and charges for traffic, and the receipts and expenditure of any company in working the railway, for the year 1905—

The Marquess of Ripon.

1906: Laid before the House (pursuant to Act), and ordered to lie on the Table.

ARMY.

Return respecting: Laid before the House (pursuant to Address of 28th November last), and to be printed. (No. 250.)

PALACE OF WESTMINSTER.

The evidence taken before the Select Committee from time to time to be printed, but no copies thereof to be delivered, except to members of the Committee until further order. (No. 251.)

EDUCATION (ENGLAND AND WALES) BILL.

THE LORD PRIVY SEAL (The MARQUESS OF RIPON), who had given notice to move that Standing Order No. XXI. be dispensed with, and the adjourned debate on the Education Bill be resumed after the consideration of the Town Tenants (Ireland) Bill, said: My Lords, I have a Motion on the Paper for suspending one of the Standing Orders, but I understand that on the whole it would be more convenient if the Education Bill were not taken to-day. Therefore, I shall not move my Motion, and the business will proceed in the usual manner.

*THE MARQUESS OF LANSDOWNE: With reference to the statement which the noble Marquess has just made, I should like to ask him whether he merely desires to give priority to the consideration of the Workmen's Compensation Bill in Committee, leaving the consideration of the Education Bill on the Paper in case any further statement has to be made with regard to it; or whether, on the contrary, he wishes that the Education Bill should not be further considered till to-morrow. I venture to suggest that there might possibly be some convenience in taking the former course.

THE MARQUESS OF RIPON: I shall be very ready to adopt my noble friend's suggestion. I did suggest that it should be put off till to-morrow, but after what the noble Marquess has said I propose that the Town Tenants (Ireland) Bill and the other Bills on the Paper shall be

taken in the order in which they stand, leaving it open to bring on the discussion on the Education Bill at a later period.

LORD BALFOUR OF BURLEIGH: In the event of there being a debate on the Education Bill to-morrow night, I should like to ask what will happen to the Land Tenure Bill? There have been a great many Amendments made in that Bill, and I know there is a general desire on both sides that the measure should not be lost. As time is short, I should like to know what arrangements are likely to be made with regard to that Bill.

THE MARQUESS OF RIPON: I have not really considered that point, but I suppose the course in that case would be that the Education Bill should be taken first and the Land Tenure Bill afterwards. I have no idea of removing the Land Tenure Bill from the Paper for to-morrow.

BURIALS BILL.

Returned from the Commons, with the Amendments agreed to.

MERCHANT SHIPPING ACTS AMENDMENT (No. 2) BILL.

Returned from the Commons with several of the Amendments agreed to, and one Amendment agreed to, with an Amendment. The said Amendment to be considered on Thursday next.

TRADE DISPUTES BILL.

Returned from the Commons with one Amendment agreed to, with an Amendment and a consequential Amendment to the Bill; and several Amendments disagreed to, with reasons for such disagreement, the said Amendments and reasons to be printed, and to be considered To-morrow. (No. 252.)

TOWN TENANTS (IRELAND) BILL.

Bill read 3^a (according to Order).

THE EARL OF DONOUGHMORE who had given notice to move the insertion of the following new Sub-section in Clause 6,—

“(2) A claim for compensation under this section shall not be made after the expiration

of three months from the time at which the tenant quits his holding,”

said he understood, after consultation with noble Lords opposite, that the settling of the time within which claims for compensation were to be made under this clause was a matter more properly dealt with by rule made by the County Court Judge. That was the practice under the Act of 1870, and he presumed it would be the practice under this Bill. If that were done, it would obviously meet his point better than by rigidly laying down a time in the Act of Parliament. He, therefore, did not intend to move the Amendment standing in his name. His second Amendment on the Paper was to insert after the word “contrary” in line 17 of Clause 6, the words—

“Unless such agreement was, in the opinion of the Court, reasonable, and not made under direct or indirect compulsion.”

The object was to make it perfectly clear that Clause 6 did not conflict with Clause 10. Clause 10 provided that any contract made after the passing of this Bill, by virtue of which a tenant would be directly or indirectly deprived of his right to obtain compensation, . .

“Shall be void unless the court adjudicating upon a claim for compensation by such tenant shall, having regard to all the circumstances of the case, be of opinion that such contract was reasonable and that it was entered into by the parties without any direct or indirect compulsion.”

The words in Clause 6 were “notwithstanding any agreement to the contrary,” and did not allow the provision which was made in Clause 10. It was important that contracting out should be allowed in all cases of large properties, and it was in order to make that clear that he moved his Amendment.

Amendment moved—

“In Clause 6, page 4, line 17, after the word ‘contrary’ to insert the words ‘unless such agreement was, in the opinion of the Court, reasonable, and not made under direct or indirect compulsion.’—(*The Earl of Donoughmore.*)

LORD DENMAN said it was not very convenient to introduce and discuss important Amendments at this stage of the measure. Clause 6 was introduced by noble Lords opposite. The choice was given him between that clause and no

clause at all. Therefore, he was obliged to choose the clause, but he greatly preferred the clause which stood in the original Bill. He contended that this was not a convenient time to tamper with Clause 6, and to whittle down its provisions to the detriment of the tenant. The noble Earl had made a point of the fact that the clause as it stood was inconsistent with Clause 10, but he would like to point out that there was an Amendment later on in the name of Lord Dunboyne which would make Clause 6, even if they adopted the Amendment of the noble Earl, quite inconsistent with Clause 10. On behalf of the Government he had to say that he must resist the Amendment, and if the noble Earl pressed it upon them they would be obliged to divide against him.

LORD ASHBOURNE said there was some truth in what the noble Lord has said about the inconvenience of moving Amendments on the Third Reading, but he was afraid it had been an invariable practice to insert Amendments at that stage. Even most important Bills had been constantly amended on Third Reading. The Amendment now before their Lordships was obviously moved in the most perfect good faith, and he was not himself impressed with the seriousness of the objection raised to it by the noble Lord in charge of the Bill. The Amendment took up words that were already in another clause in the Bill, and why those words should be incapable of being even looked at now when they appeared in another part of the Bill he could not see. It was really only a drafting Amendment, seeking to bring forward the qualifying provisions in another clause. He submitted that the Amendment was a reasonable one and would not defeat any object in the Bill.

THE EARL OF CREWE did not quite gather from the noble and learned Lord whether, speaking as a lawyer, he regarded this as a purely drafting Amendment, and whether he considered that the insertion of these words in Clause 6 would have no extra operation on the clause beyond that which was already conferred on it by the words in Clause 10.

Lord Denman.

LORD ASHBOURNE: It was in that belief that the Amendment was inserted.

THE EARL OF CREWE said he would have supposed at first sight that the words might have an operative effect upon cases under Clause 6 which would not be provided for under Clause 10.

LORD ASHBOURNE thought the matter lay in the narrowest possible compass. The general clause with reference to contracting out was Clause 10, which contained words in deference to which Lord Barrymore withdrew his Amendment the other day. It was pointed out by Lord Donoughmore and by himself that the words in Clause 10 left it to the County Court Judge to say whether the contract was reasonable and had been made by the parties without any direct or indirect compulsion. That was an idea they thought reasonable and fair, and in deference to its reasonableness and fairness Lord Barrymore withdrew his objection. Lord Donoughmore only desired to bring forward the idea in Clause 10 and annex it to the words in Clause 6; but, if it was thought more desirable by the legal advisers of the Government that a reference to Clause 10 would be a more convenient way of doing this, he thought Lord Donoughmore would be quite satisfied with that.

THE EARL OF DONOUGHMORE expressed his willingness to withdraw the Amendment standing on the Paper, and to move the insertion of the words, "subject to the provisions of Clause 10." He begged to amend his Amendment accordingly.

LORD DENMAN said the Government were unable to accept that Amendment.

On Question, Amendment negatived.

LORD DUNBOYNE said the object of his Amendment was to put the onus of proof upon the party who impugned the written document, and not upon the party who supported it. He could not understand why in this clause such an elementary principle of law and equity should be departed from. Clause

10, as he proposed to amend it, would read—

"Any contract (other than a contract either to make or not to make an improvement) made after the passing of this Act, by virtue of which a tenant would be, directly or indirectly, deprived of his right to obtain compensation under this Act, shall be held to be void if the Court adjudicating upon a claim for compensation by such tenant shall, having regard to all the circumstances of the case, be of opinion that such contract was unreasonable and that it was entered into by the parties under any direct or indirect compulsion."

Amendment moved—

"In Clause 10, page 5, line 14, after the word 'be' to insert the words 'held to be' and to leave out the word 'unless' and insert the word 'if'; in line 17 to leave out the word 'reasonable' and to insert the word 'unreasonable,' and to leave out the word 'without' and to insert the word 'under.'"—(*Lord Dunboyme.*)

LORD DENMAN regretted that he was unable to accept the Amendment. The noble Lord desired by his Amendment to place the onus of proof on the tenant. There were exceptions to the elementary principle to which the noble Lord had referred, and the particular clause in question was founded upon Section 7 of the Railway and Canal Traffic Act, 1854. In the opinion of the Government the Amendment would be detrimental to the interests of the tenants, and on that ground he was obliged to resist it. If the noble Lord pressed the Amendment the Government would have to trouble their Lordships to divide upon it.

Amendment, by leave, withdrawn.

LORD DENMAN then moved two Amendments which were not on the Paper, one of which was to insert a sub-section which the Government accepted from Lord Ashbourne with regard to the Incorporated Law Society of Ireland. He believed there would be no objection to the insertion of the sub-section in the place proposed.

LORD ASHBOURNE saw no objection to either of the Amendments, a typewritten copy of which had been supplied to him. They were merely drafting Amendments to make the Bill read more harmoniously.

Drafting Amendment agreed to.

Amendment moved—

"In page 5, line 26, after the word 'Act' to insert the words '(3) Any rules under this section should be made after consultation with, or notice of consultation sent to, the President of the Incorporated Law Society.'"—(*Lord Denman.*)

On Question, Amendment agreed to; and Bill passed and returned to the Commons.

WORKMEN'S COMPENSATION BILL.

House in Committee (according to Order).

[The Earl of ONSLOW in the Chair.]

Clause 1:—

*LORD AMPHILL moved an Amendment to sub-section 2 (c) which would have the effect of making insobriety or the wilful breach of any rule printed and published by the employer for the safety and protection of his workmen "serious and wilful misconduct" within the meaning of the Act. He was assured that it was most necessary for the proper and consistent working of this Bill that certain defined acts should be specified in the Bill as coming within the expression "serious and wilful misconduct." The views of county court judges in the past had differed very largely on the interpretation of the phrase "serious and wilful misconduct." He had been told of the case of a judge who held that although a man was admittedly drunk and, therefore, violating the rules of the factory in which he was working, it was not serious or wilful misconduct. There was another even stronger case illustrating the extreme variety of the opinion of judges in this matter, and that was the case of a man who, in spite of very well-known rules for the safety of workmen, insisted on probing a dynamite charge with a steel crowbar and consequently met with a serious accident; but even in this case the judge did not hold it to be serious or wilful misconduct. He could quote a considerable number of cases of the same kind, such as, for instance, the opening of a safety lamp in a mine when a workman wished to light his pipe. He had another case in mind of a workman who met with an injury because he insisted, in violation of the

rules, in oiling machinery while in motion in order to save himself trouble; but in all these cases judges were to be found who did not consider that these breaches of the rules constituted serious and wilful misconduct, and to such a pitch had this timidity on the part of judges gone—this fear of establishing a precedent by committing themselves to any particular interpretation of this vague phrase—that employers and others had ceased to fight these cases because they knew it was almost impossible to get a judgment condemning a breach of the rules. The object of the Amendment was merely to make the Act more clear and definite and to ensure that its working should be uniform and consistent throughout the kingdom. He was aware that a similar Amendment was rejected in the House of Commons, but he could not find in the Reports that there was any very lengthy discussion upon it. He hoped that since that time the Government had altered their opinion as to the necessity of the Amendment, and that the noble Earl in charge of the Bill would allow it to pass.

Amendment moved—

"In page 2, line 9, after the word 'disallowed' to insert the words 'insobriety or the wilful breach of any rule printed and published by the employer for the safety and protection of his workmen shall be serious and wilful misconduct within the meaning of this Act.'"
—(*Lord Amphilh.*)

EARL BEAUCHAMP resisted the Amendment. The Government could not accept it, because in the terms in which it was drawn it would allow an employer to prevent the Act coming into operation at all within his factory. An employer merely would have to frame a sufficient number of rules, and it would be almost impossible for a workman not to have broken some rule or other. Insobriety, when it was serious and wilful misconduct, was already within the clause.

LORD NEWTON said that under ordinary circumstances he would have felt disposed to support the Amendment, but so far as he was able to gather, without assuming any legal knowledge, it appeared to him that his noble friend would not effect any benefit

Lord Amphilh.

by the Amendment. As he understood the Bill, serious and wilful misconduct of any kind would be condoned, and there was no possibility of denying compensation to a man if he injured himself sufficiently seriously, if he only damaged himself to the extent of losing a finger or a toe, he would obtain nothing; but if he carried his wilful and serious misconduct sufficiently far either to bring about his death or permanent incapacity, under the Bill the employer would have to pay compensation. He submitted, therefore, that there was not much object, in view of this fact, in the moving of the Amendment.

LORD BELPER said the provision with regard to serious and wilful misconduct was in the original Workmen's Compensation Bill of which he had charge in their Lordships' House, and he had to resist a similar Amendment to the one now moved by Lord Amphilh. This matter was carefully considered by the Committee which reviewed all the difficulties that had arisen under these Acts, and they declared that it was open to grave objection to lay down by legislation any such hard and fast rule. The Committee stated in categorical terms that they did not think it possible for the Legislature to lay down a statutory definition of serious and wilful misconduct. In those circumstances he hoped his noble friend would not divide the Committee on the Amendment.

Amendment, by leave, withdrawn.

Clause 1 agreed to.

Clause 2:—

EARL BEAUCHAMP moved an Amendment in sub-section (a) of the clause providing that the failure to make a claim within the period should not be a bar to the maintenance of proceedings, if it was found that the failure was occasioned by mistake, "absence from the United Kingdom" or other reasonable cause. He explained that the object of this Amendment was to make proviso (a) correspond with proviso (b.)

Amendment moved—

"In page 3, line 14, after the word 'mistake' to insert the words 'absence from the United Kingdom.'"—(*Earl Beauchamp*.)

On Question, Amendment agreed to.

LORD BELPER moved to amend sub-section (b) by omitting the words "it is found," and inserting the words "the court is satisfied." He said this was an Amendment of some importance. The Committee would see that the Clause dealt with two matters. In the first place, it dealt with a notice which had to be given. In that case the terms in the original Bill were adhered to, that the notice should be given as soon as practicable. With regard to the claim, it was now laid down that it should be made within six months of the occurrence of the accident, a sufficient time, one would certainly have thought, where notice had been given, for a man who had met with an accident to send in his claim. The Committee in their Report recommended that the time for making the claim should be three months. He did not propose to move any alteration with regard to that, and was content to leave the longer period in the clause. But when they came to sub-section (b), to which his Amendment referred, they found it provided that—

"The failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, employment abroad, or other reasonable cause."

He was afraid that that sub-section as it stood would put a great premium on carelessness and lead to men not paying due regard to the regulations as to the making of claims. In every case where a man had been careless, and had not made his claim within six months it would be very easy to say it was a mistake. If it was enacted that a mistake cleared him, he would always adduce that as his reason why he should not be precluded from making his claim at a later period. The same thing applied in regard to employment abroad. A man who was absent from the United Kingdom could perfectly well make his claim through the post, although it might not be so easy to do so as if he were at home. He should, therefore, be required to make the claim within the time specified.

At all events, there should be some security for the employer. The object of making the claim within six months was that the employer might not be prejudiced in his defence to the action when the time arrived. He proposed subsequently to move the insertion at the end of the clause of these words—

"And that the employer is not prejudiced in his defence by the delay in making the claim."

If those words were inserted, it would be some safeguard, and would point out to the workman that he must use his best endeavours to make the claim within the specified time. Moreover, it would carry out the recommendations of the Committee which considered this matter. The Committee discussed the question a good deal in their Report, and the conclusion they came to was that, although they did not wish the time either for the notice or the claim absolutely to preclude a claim being subsequently made, if there was good reason for it, yet in no case should a claim be allowed after a specified time unless the person claiming obtained the permission of the Court. The insertion of his Amendment appeared to him a proper safeguard for the employer, and to carry out the scheme of the Bill.

Amendment moved—

"In page 3, line 17, to leave out the words 'it is found' and to insert the words 'the court is satisfied.'"—(*Lord Belper*.)

EARL BEAUCHAMP did not think the noble Lord comprehended the importance of his Amendment, which would go a great deal further than he suggested. The words as they stood were introduced into the Bill of last year by the late Government, and this was the first time that they had been seriously challenged. The effect of the Amendment would be to limit the application to a court and to bar arbitration proceedings under this section. The words "it is found" could be taken cognisance of by the arbitrator, whereas if the Amendment were carried it would be impossible for the arbitrators to take this into consideration, and it would have to be done by a court.

LORD BELPER said that if the noble Earl would accept his second Amendment, to insert the words "and that

the employer is not prejudiced in his defence by the delay in making the claim," he would withdraw his first Amendment.

EARL BEAUCHAMP said he was unable to accept either Amendment. Lord Belper's idea appeared to be to try and make the alternatives the same in sub-sections (a) and (b), to give safeguards in both cases. The noble Lord would see that the words at the end of sub-section (b) were "or other reasonable cause" and not "and other reasonable cause." The effect would be to give the employer a second safeguard against any attempt to make a claim under this section.

LORD BELPER said there were the same words in both sub-sections.

EARL BEAUCHAMP replied that sub-section (a) contained the word "or," thereby giving the workman an alternative. The alternative was not given in sub-section (b), because it was desirable to discourage undue delay in proffering claims. Therefore the workman ought only to be excused on the ground of mistake or reasonable cause.

LORD BELPER quite recognised that there might be some force in the remarks of the noble Earl with regard to the substitution of the words "if the Court is satisfied" for the words "if it is found." But his general object in moving the Amendment was to carry out the recommendation of the Committee, that in the case both of giving the notice and of making the claim it should be open to the workman to make the claim after those times, but only by leave of the Court. The clause as it stood was an absolute invitation to carelessness with regard to making the claim within the specified time, and there was no safeguard whatever to the employer. He might be very much prejudiced by the fact that the witnesses might be dead or out of the way, and there would be no means of defending the claim.

THE LORD CHANCELLOR (Lord LOREBURN) said it was a mistake to attempt to draw a Bill of this kind to meet all kinds of imaginary and ex-

Lord Belper.

tremely improbable contingencies. The point was that a man was required to give his notice within a fixed time—six months. It was, of course, desirable that there should be some time fixed, but it would be a very great misfortune if the person injured were liable to be tripped up because, for some reasonable cause, he failed to give the notice in time. This was really in the nature of an insurance Bill, and they wanted the very fullest good faith and the most complete absence of technicalities. He thought it best to leave the provision as it stood that the failure to make a claim within the period specified should not be a bar to the maintenance of proceedings if it was found that the failure was occasioned by mistake, employment abroad, or other reasonable cause.

LORD BELPER said he did not propose to interfere with that.

THE LORD CHANCELLOR pointed out that the noble Lord wished to provide that there must be something else proved in addition—namely, that the employer was not prejudiced in his defence by the delay in making the claims. If he was prejudiced it was not the fault of the workman *ex hypothesi*.

LORD ASHBOURNE did not think it at all reasonable that there should be a complete absence of any limit after which no claim could be made.

EARL BEAUCHAMP suggested that the Committee should dispose of Lord Belper's first Amendment and then take the second.

LORD BELPER asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

Drafting Amendment agreed to.

LORD BELPER then moved the Amendment to which he had previously referred.

Amendment moved—

"In page 3, line 19, after the word 'cause' to insert the words 'and that the employer is not prejudiced in his defence by the delay in making the claim.'"—(*Lord Belper.*)

THE EARL OF CAMPERDOWN thought Lord Belper would make his case a good deal stronger if he altered his Amendment to read "or" that the employer is not prejudiced, instead of "and."

LORD AVEBURY asked why the word "mistake" was included in sub-section (b). If the mistake was a reasonable one it would come within the words 'reasonable cause,' and, if it was not reasonable, why should it be included?

THE LORD CHANCELLOR said he imagined the word was put in for the purpose of indicating the general character of what was intended by the Bill. The words "other reasonable cause" would mean other reasonable cause of the same character. The Department concerned might have good reasons for objecting to the insertion of the Amendment, but, reserving liberty to strike the words out later, he saw no objection to accepting them now. With the substitution of the word "or" for "and" the Amendment gave an extra option to the workman whereby he might escape the consequence of not making his claim in time.

LORD BELPER amended his Amendment to read "or that the employer," etc., subject to reconsideration on Report if necessary.

On Question, Amendment agreed to.

EARL BEAUCHAMP moved an Amendment in sub-section 2 providing that notice in respect of an injury should give the name and address of the person injured, the cause, and the date at which "the accident happened." He said Clause 8 provided that disablement or suspension on account of disease was to be treated as the happening of the accident. This clause therefore ought to refer to the happening of the accident and not to the sustaining of the injury.

Amendment moved—

"In page 3, line 23, to leave out the words 'it was sustained' and to insert the words 'the accident happened.'"—(Earl Beauchamp.)

On Question, Amendment agreed to.

EARL BEAUCHAMP moved an Amendment providing that if the Registrar of Friendly Societies certified that any scheme of compensation provided scales of compensation not less favourable to the workmen and their dependants than the corresponding scales in the Act, and "that where the scheme provides for contributions by the workmen, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this Act," and that a majority of the workmen were in favour of the scheme, the employer might, while the certificate was in force, contract with any of the workmen that the provisions of the scheme should be substituted for the provisions of the Act. He said the Amendment was intended to carry into effect a promise given on Report in the other House. He understood there were some schemes to which workmen themselves contributed. If the words in his Amendment were inserted, such schemes would also be included as well as those which were originally in mind.

Amendment moved—

In page 3, line 41, to leave out from the word 'and' to the word 'and' in page 4, line 2, and to insert the words, 'that where the scheme provides for contributions by the workmen, and the scheme confers benefits, at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this Act.'—(Earl Beauchamp.)

On Question, Amendment agreed to.

LORD INVERCLYDE said the object of his Amendment was to exclude seamen from this clause. The Bill was primarily drawn up for compensation for workmen on shore, but under Clause 7 seamen were brought within the Bill. Later on he proposed to move that that clause be struck out. All that shipowners desired was that they should be put on an equal footing with employers of labour on land, and if this Amendment were adopted it would be possible for shipowners to have the benefit of the contracting-out clause. In many respects he thought the Bill would be very difficult to work in regard to seamen, because under this clause the Registrar-General of Friendly Societies could only certify

a scheme after ascertaining by ballot from the workmen that they were in favour of the scheme. That was an impossibility with seamen. In a large line employing a large number of seamen those men were distributed all over the world, and it would be impossible to take a ballot of workmen in those circumstances. He would like to know whether the Registrar General of Friendly Societies had approved of this clause and had stated that it was workable.

Amendment moved—

"In page 4, line 2, after the word 'that' to insert the words 'except in the case of seamen.'"—(*Lord Inverclyde.*)

EARL BEAUCHAMP said that he could not enter into an examination of this question at that particular stage of the Bill. A similar Amendment was withdrawn in the other House on the understanding that the Registrar-General should frame rules for the holding of a ballot on all the ships of a company. While it was true that it was very difficult to secure a ballot among seamen it was obviously quite as difficult to put a scheme before them to secure contracting out. He trusted that the noble Lord would not press the Amendment, reserving what had to be said until they reached a later clause. The subject had been referred to the Registrar-General of Friendly Societies, and he was not aware that he had found any difficulty in regard to putting the clause in operation.

Amendment, by leave, withdrawn.

Clause 2, as amended, agreed to.

Clause 3 :—

EARL BEAUCHAMP moved that the words "any of those workmen" in sub-section (1) should read, "any of his workmen." He said the word "those" might possibly be construed as meaning the workmen who had voted in favour of the scheme. That was not intended.

Amendment moved—

"In page 4, line 5, to leave out the word 'those' and to insert 'his.'"—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Lord Inverclyde.

LORD INVERCLYDE said the object of the new sub-section which he now moved was to allow the Registrar of Friendly Societies provisionally to certify a scheme. This would enable a scheme to have more consideration, especially when seamen were out of the country, than if the matter was left as it stood.

Amendment moved—

"In page 4, line 10, after the word 'Act' to insert the following new sub-section: (2) The Registrar of Friendly Societies may, if required, by the employer grant a provisional certificate for any scheme before ascertaining the views of the workmen, but in such a case the employer shall not contract with any workman that the provisions of the scheme shall be substituted for the provisions of the Act until the Registrar of Friendly Societies has, after ascertaining the views of the workmen, further certified that the scheme satisfies all the requirements of this Act."—(*Lord Inverclyde.*)

EARL BEAUCHAMP said the idea of the Home Office was that this Amendment was consequential on Lord Inverclyde's other Amendment dealing with the question of contracting out in the case of seamen. Any difficulties there might be would be met by the regulations which the Registrar of Friendly Societies would draw up.

Amendment, by leave, withdrawn.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5 :—

EARL BEAUCHAMP moved to amend the latter part of the clause so as to provide that just as the workman was to have the right to recover from the insurance company in the event of the bankruptcy of the employer, so the insurance company should have the same rights and remedies as the employer had against the workman. The matter was, he said, perfectly simple, and he did not anticipate that there would be any objection to the Amendment.

Amendment moved—

"In page 6, line 5, to leave out from the first 'and' to the end of line 7, and to insert the words 'upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they

were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer."—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

EARL BEAUCHAMP said the object of his next Amendment was to make it quite clear that the £100 referred to was the limit applicable to each individual case and not to the whole amount of the compensation.

Amendment moved

"In page 6, line 17, after the word 'exceeding' to insert the words 'in any individual case.'"—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Drafting Amendments agreed to.

EARL BEAUCHAMP explained that the object of the next Amendment was to define more clearly how the capitalised value of a weekly payment was to be taken.

Amendment moved—

"In page 6, line 24, after the word 'accordingly' to insert the words 'Where the compensation is a weekly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed under the First Schedule to this Act.'"—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 :—

LORD INVERCLYDE moved an Amendment to provide that only one set of costs should be recoverable. He said that under this clause a workman was entitled to raise two actions and to obtain two judgments. He contended that only one set of costs should be recoverable.

Amendment moved—

"In page 7, line 7, after the word 'compensation' to insert the words 'nor the costs of both proceedings.'"—(*Lord Inverclyde.*)

EARL BEAUCHAMP, seeing no reason why the workman should be deprived of his costs, opposed the Amendment.

Amendment, by leave, withdrawn.

Clause 6 agreed to.

Clause 7 :—

LORD INVERCLYDE moved to insert among the modifications to which the application of the Act to seamen should be subject the following :—“(a) If it is proved that the injury to a seaman is attributable to any offence against discipline by that seaman, or to any act or default of that seaman dangerous to the safety of the ship, or of the cargo or lives of those on board the ship, or that it occurred while the seamen was under the influence of intoxicating liquor, any compensation claimed in respect of that injury shall be disallowed.” Unfortunately, in the case of seamen there were many occasions when they were the worse for drink, and his Amendment was proposed in order to protect shipowners from liability in regard to accidents happening to men in that condition. In this matter seamen were in a very different position from men on shore. If a man was the worse for drink on shore he could be put out of the factory or workshop, but that was impossible on board ship, and it was most unfair to make shipowners liable for accidents to seamen who were the worse for drink.

Amendment moved—

"In page 7, line 25, after the word 'modifications' to insert the following new paragraph : '(a) If it is proved that the injury to a seaman is attributable to any offence against discipline by that seaman, or to any act or default of that seaman dangerous to the safety of the ship or of the cargo or lives of those on board the ship, or that it occurred while the seaman was under the influence of intoxicating liquor, any compensation claimed in respect of that injury shall be disallowed.'"—(*Lord Inverclyde.*)

EARL BEAUCHAMP objected that if the Amendment were adopted a seaman would be deprived of compensation if the injury could be attributed to any breach of discipline, however trivial. If the default of the seaman coming under the other conditions of the Amendment amounted to serious and wilful misconduct it was obvious that, without any Amendment of the Bill, the compensation would not be payable.

LORD AVEBURY said the triviality of the breach of discipline ought not to affect the question if it was the cause of accident, and as regarded intoxication it ought to be laid down for the guidance of the Court whether this was or was not a cause for disallowing compensation. It would be very hard on shipowners if they were obliged to pay heavily because a seaman had met with an accident owing to his being intoxicated.

THE EARL OF CAMPERDOWN suggested the omission, as superfluous, of the words—

“Or to any act or default of that seaman dangerous to the safety of the ship or of the cargo or lives of those on board the ship.”

A seaman would not, of course, wilfully incur injury while in a state of drunkenness, but such things had happened before as a seaman being drunk and falling into the hold. That was a case which his hon. friend wished to meet.

EARL BEAUCHAMP: My point is that it probably is already met under the Bill.

THE EARL OF CAMPERDOWN: “Probably.” That is just it.

EARL BEAUCHAMP said the Courts at the present time commanded the confidence both of employers and employed, and His Majesty's Government would be very sorry if, by any Amendment in this Bill, the Courts were prevented from having that full jurisdiction in the matter which they had had in the past. It was not desired to limit the jurisdiction of the Courts by minute directions.

LORD BELPER said these difficulties were due to the inclusion of the seamen in this Bill, instead of in a separate measure. The proposed procedure was contrary to the recommendation of the Committee which dealt with the subject.

On Question, Amendment negatived.

EARL BEAUCHAMP said he now came to a number of small Amendments which hung together. The intention of the Amendments was to make the clause applicable to masters of ships, who were included within the scope of the Bill

by an Amendment moved in another place by a friend of noble Lords opposite.

Amendment moved—

“In page 7, line 27, after the word ‘may’ to insert the words ‘except where the person injured is the master.’”—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Amendment moved—

“In page 7, line 32, after the third ‘the’ to insert the word ‘master.’”—(*Earl Beauchamp.*)

THE EARL OF CAMPERDOWN asked how the master would come in. He was neither a workman nor an employer.

*LORD HAVERSHAM explained that the master was included in the application of the Act by the words in the first line of Clause 7.

On Question, Amendment agreed to.

Drafting Amendments agreed to.

*LORD INVERCLYDE moved to amend sub-section (b) which provides that in the case of the death of a seaman or apprentice the claim for compensation “may” be made within “six months” after the news of the death has been received by the claimant, by making it necessary that the claim “shall” be made within “twelve months” after the date of death. He urged that under the sub-section as it stood it might be years before the claim was made.

Amendment moved—

“In page 7, line 33, to leave out the word ‘may’ and to insert the word ‘shall,’ and to leave out the word ‘six’ and to insert the word ‘twelve.’”—(*Lord Inverclyde.*)

EARL BEAUCHAMP said there was no objection to change the word “may” to “shall,” but in the opinion of the Home Office “may” was the proper word from the draughtsman's point of view. There were occasions when “may” was equivalent to “shall,” because it was governed by other words. There was, however, very little difference and if it was any satisfaction to his noble friend he would be glad to agree to the substitution proposed.

But he was unable to accept the rest of the Amendment. It might be many months before the news of the death of a seaman abroad reached this country. He thought it would be better on the whole that the provision should remain as in the Bill, and that the date when the news was received should be treated for the purposes of this Act as the date of the death.

LORD INVERCLYDE said the point was not so much that the limit should be twelve months but that there should be some limit. He would be quite agreeable to substitute eighteen months if that would be acceptable.

EARL BEAUCHAMP said he could not accept the proposal.

Amendment, by leave, withdrawn.

Consequential Amendments agreed to.

LORD INVERCLYDE moved a further Amendment to leave out paragraph (e)—

"(e) The weekly payment shall not be payable in respect of the period during which the owner of the ship is, under the Merchant Shipping Act, 1894, as amended by any subsequent enactment, or otherwise, liable to defray the expenses of maintenance of the injured seamen or apprentice,"

and to insert the following new paragraph—

"The weekly payment shall be payable as from the date when the injured seaman or apprentice is brought back to the United Kingdom."

He argued that the clause as it stood was a direct discouragement to owners to allow their seamen to run risks in saving life at sea.

Amendment moved—

"In page 8, line 13, to leave out paragraph (e) and to insert the following new paragraph—'The weekly payment shall be payable as from the date when the injured seaman or apprentice is brought back to the United Kingdom.'"—(Lord Inverclyde.)

EARL BEAUCHAMP said the Bill was not in any way intended to interfere with the Merchant Shipping Act; but when a man came on shore that Act no longer applied, and at that stage this Bill took him up. It was possible that an injured seaman might be landed in a foreign port,

and one result of the Amendment might be to encourage the landing of seamen at foreign ports, where they would not be entitled to weekly payments.

Amendment, by leave, withdrawn.

Consequential Amendments agreed to.

EARL BEAUCHAMP moved to leave out paragraph (h).

"(h) Where any matter under this Act is to be done in a county court, or by, to, or before the judge or registrar of a county court, it shall be done in, or by, to, or before the judge or registrar of, such county court as may be prescribed by rules of court."

He explained that this paragraph would be unnecessary if the Amendment proposed to be moved in paragraph eleven of the Second Schedule were agreed to.

Amendment moved—

"In page 9, lines 1 to 5, to leave out paragraph (h)."—(Earl Beauchamp)

On Question, Amendment agreed to.

EARL BEAUCHAMP moved the insertion of a sub-section dealing with the case of pilots.

Amendment moved—

"In page 9, line 9, at the end, to insert as a new sub-section—'(2) This section shall extend to pilots to whom Part X. of the Merchant Shipping Act, 1894, applies, as if a pilot when employed on any such ship as aforesaid were a seaman and a member of the crew.'"—(Earl Beauchamp.)

LORD INVERCLYDE protested against the Amendment on the ground that it was very hard on shipowners to be made liable for accidents to men who were forced upon them.

On Question, Amendment agreed to.

Moved, That Clause 7, as amended, stand part of the Bill—(Earl Beauchamp.)

LORD INVERCLYDE opposed the clause altogether, on the ground that as recommended by the Departmental Committee seamen ought to be provided for by an Amendment of the Shipping Act and not by a Bill dealing with land employment. On

that Committee there were no ship-owners at all, but there was a Labour representative who signed the Report agreeing to that. This was the first time that any shipping matters had been brought directly under the Home Office. The shipping trade had a special Department in the Board of Trade, which was the right Government Department to deal with shipping affairs. If seamen were to be brought under the workmen's compensation arrangements, it ought to be by an Amendment of the Merchant Shipping Act, and not by means of a Bill applying to land employment. In moving the Amendments which stood in his name he had endeavoured to show the difficulty there was in the machinery of the Bill as far as seamen were concerned. Under the Bill foreign sailors would get compensation. When the measure was first introduced His Majesty's Government did not propose that foreigners should get compensation, but the Bill had since been altered, he believed, on the ground that if foreigners did not get compensation, it would be an encouragement to shipowners to employ them. It was often said that shipowners employed too many foreigners and wanted to employ foreigners. He repudiated that altogether. All that shipowners wanted was to get the best seamen they could, and if for various reasons the foreign seaman was more suitable than the British seaman he would be employed; but he was quite sure that on the whole British shipowners would sooner employ British sailors if they could get them. The bringing of foreigners under the Bill was an inducement to foreigners to come to this country to get employment. If a British ship was in collision with a foreign ship, and the foreign ship was to blame, and was sunk, then the British shipowner could not, under the Bill, recover any damages for compensation which his men might have received. He was not entitled to speak for the whole body of British shipowners, but he had authority to speak on behalf of a very large number of representative associations of shipowners, and he was prepared to say that if His Majesty's Government would exclude seamen from this Bill, the shipowners were perfectly ready to meet the Board of

Lord Inverclyde.

Trade and agree upon a scheme which could be brought forward next year as an Amendment to the Merchant Shipping Act, which would bring seamen under the Workmen's Compensation provisions. If His Majesty's Government agreed to his proposal he felt sure that there would be no difficulty in next year arriving at a Bill which would be satisfactory to all parties interested.

***LORD BRASSEY** said no class of men had rendered more service to the country than the seamen class; none were more exposed to hardship and danger in the execution of their duty. It would be hard that they should remain in a position of exceptional disability in regard to compensation.

***EARL BEAUCHAMP** heartily associated himself with Lord Brassey. Seamen should have at least equal advantages in the case of disability as persons employed in factories and workshops. In including seamen the Government had, he claimed, done something to encourage merchant shipping, and to encourage men to go to sea. He could not agree with Lord Inverclyde that there were any serious difficulties in applying the Bill to seamen. The Departmental Committee to which the noble Lord had referred did not have the point before them as it had been settled in the present Bill. The Departmental Committee were against seamen being dealt with in this legislation on the ground that while seamen were on board ship they received their wages and worked under the Merchant Shipping Acts. The idea of the Committee was that seamen should continue to be provided for under the Merchant Shipping Acts. But he did not think the Committee had in their minds at all the scheme of this Bill by which seamen only came under the operations of the Bill when on shore. That was a very great distinction. As to foreign seamen, in the Bill introduced by Lord Belper foreign seamen were given equal rights with British seamen. There was no departure from that rule in the present Bill. He was convinced that the retention of the clause would confer a very real benefit on a large class of deserving workmen.

LORD BELPER said that at this stage he could not support the noble Lord. in his proposal to leave out Clause 7. He still felt, however, that it would be a more convenient course to deal with seamen in a different manner.

LORD INVERCLYDE wished to repeat that he had no desire to prevent seamen getting compensation.

On Question, Clause 7, as amended, agreed to.

Clause 8 :—

THE EARL OF LYTTON moved the omission of the words "mentioned in the third schedule to this Act" with the object of ensuring compensation for all workmen injured in the course of their employment by disease directly incidental to and caused by their employment. This Amendment was, he said, a very important one. It went to the root of one of the most important clauses in the Bill, and he asked their Lordships' serious attention to the question with which it dealt. The object of the Amendment was to ensure that all those who were injured in the course of their trade by a disease directly incidental to and caused by their employment should receive compensation exactly as if they had been injured by an accident. That was a principle which was already admitted by the Government's Bill. He submitted, however, that the machinery by which it was intended to carry that out would in practice have the effect of excluding a very large number, if not an actual majority, of persons who were so afflicted by industrial diseases. In the third schedule there was a list of six diseases specially mentioned, and if any workman contracted a disease in the course of his industry, and if that industry was included in the schedule, the workman would receive compensation; but if, in the course of his employment, he contracted a disease which was not included in the schedule he would get no compensation. The schedule as it stood was incomplete. A large number of trades certified as dangerous were not included in the schedule. He did not, however, wish to press that point,

as he understood the Government themselves did not regard the schedule as complete. Their Lordships would notice that by sub-section (6) of this clause power was given to the Home Secretary to extend the schedule and include in it other diseases. But that was not his point. His contention was that the whole method of proceeding by schedule was unworkable. However much they might extend it, it was impossible to cover the whole area of industries affected, and a great injustice would always be done to those who did not come under the schedule. In the case of a worker who contracted a disease in any industry mentioned in the schedule, once he could establish his case he would get compensation and the machinery would be quite simple; but there were a great many diseases incidental to trades, which not only were not in the schedule now, but which it would be quite impossible at any time to put into the schedule by reason of the fact that they could not be called dangerous trades. Take, for instance, the boot trade. No one could call the boot trade a dangerous trade, and yet in the manufacture of the cheaper classes of boots there was an ingredient used which was a poison, and might inflict great injury to those who handled it. No one could say that the boot trade should be included in the schedule, and yet it was surely very unjust that a workman who was injured in the course of such a trade should not get compensation. Then there was a trade in which disease was caused by the use of boxwood, and a similar disease had been caused by the use of satin wood. The poison was incidental to the presence of the sap, and therefore when the wood was used in bulk there was this danger. That being the case, all these trades would be affected. The danger existed in ship-building, cabinet-making, sawmills, and joinery of all kinds. It would be obviously unfair to call any of these trades dangerous trades, and yet very serious injury might be caused in every one of them. There was another trade—the oxidising of silver. In that trade there was a chemical which ought to be used, and was generally used, diluted, and which when so used was harmless; but when a careless employer used that

chemical undiluted and thereby poisoned his workmen, he maintained that those workmen should receive compensation. Then there was the case of lacquer work. Cases had been mentioned in the Factory Reports where disease was caused through simply lacquering tin in a jam factory. Those were injuries which were happening every day; yet if the Bill passed in its present form it would be impossible for workmen who contracted these diseases, although they were specific industrial diseases, to get compensation. The Bill would work unjustly even where a particular disease was scheduled. If their Lordships turned to the third schedule they would see that the first disease mentioned was anthrax, a disease caused by a bacillus of a very virulent kind. Their Lordships would also see, in the second column, a description given of the processes under which this disease most commonly occurred, namely, handling of wool, hair, bristles, hides, and skins. So long as a workman contracted anthrax by handling any of those trade ingredients he would be entitled to compensation; but anthrax could be contracted by handling leather, and it also occurred in the use of sacking. Moreover, the bacillus might be freed by one worker handling hides and skins, and might attack another workman who would not have handled them at all, and who, therefore, would not be entitled to compensation. Cases of anthrax had occurred in upholstering and bedding work, and in harness manufacturing where no hides were handled, but where leather was used. There was a case of a grain dealer who contracted anthrax probably from the sacking in which the grain arrived from a foreign country. All these were cases which would not come under this Bill. Unless a worker got anthrax in the process of handling the ingredients mentioned in the schedule he could not obtain compensation. He mentioned these cases as showing how unworkable the schedule system was. The proper principle was that the compensation should be determined by the injury inflicted, and not by a particular trade in which that injury occurred. He asked the Committee to imagine the feeling of a man or woman who had contracted an industrial disease and was afterwards told that he or she

could not get compensation because the industry engaged in was not included in the schedule. The workman who was injured by lead poisoning in potteries could get compensation, but if he was injured by what was known as potters-rot, he could not get compensation as that was not a scheduled industry. He could not help thinking that a very grave injustice would be caused if the Bill was allowed to become law as it stood, and he made an earnest appeal to the Lord Chancellor on the points he had raised. He could not think that His Majesty's Government really intended that industrial diseases should be dealt with in such a one-sided and unsatisfactory way. In the House of Commons the Under-Secretary for the Home Department urged that if all diseases were included, as would be the case under the Amendment now before their Lordships, it would be impossible to prove that the disease was due to the nature of the employment itself. The worker had to prove that. He had not only to get the fact of his disease certified, but he had to prove to the satisfaction of the Court that it was a disease specifically caused by the nature of his employment. He submitted that if a worker could prove to the satisfaction of the Court that he had incurred a disease by reason of his employment, he was and ought to be entitled to compensation. Then it was urged that this method would lead to a great deal of litigation. It was perfectly true that if they excluded a large proportion of cases which might come under the Act they thereby got rid of a number of cases which possibly might be taken into Court; but he ventured to think that very considerable litigation would be incurred by the Bill as it at present stood. Let them take, again, the case of anthrax. Anthrax was included in the schedule in the processes of handling wool, hair, bristles, hides, and skins. He had already pointed out that cases had occurred in which anthrax had been caused by handling leather. The Court under this Bill would have to decide the question, When is a hide not a hide? Presumably the answer would be, When it is a subject for compensation under this Act. If a workman contracted anthrax in the process of sewing up bedding, he would not himself

have handled the horse-hair, but in sewing up the mattress he might contract the disease. All these were very difficult and complicated points of law, which, under the Bill as it stood, would have to be taken into Court. Some difficulties would undoubtedly arise under the procedure recommended in his Amendment. He did not deny that there might be cases in which the border line between what was specifically due to the nature of the employment, and what was a disease contracted otherwise might in some cases be rather difficult to define. By a subsequent Amendment he proposed to exclude two industries in which that difficulty would be more especially marked—namely, agriculture and shipping. Those two industries were excluded because in them diseases might often be contracted in which exposure to the air would play a very large part, and, therefore, it would be extremely difficult to define whether they would come under the Act or not. He submitted that it was far better to exclude certain specific industries in which the difficulty was very great rather than proceed by a schedule which included only a few diseases and excluded a large number of workers who ought to come in. He held that unless this change was made a very great injustice would arise in the future, to avoid which some procedure of the sort suggested was indispensable.

Amendment moved—

"In page 9, lines 14 and 15, to leave out the words 'mentioned in the Third Schedule to this Act.'"—(*The Earl of Lytton.*)

EARL BEAUCHAMP observed that the noble Earl, whose interest in problems of social reform was so well known, had delivered a most stimulating speech. His quarrel with the Government was not that they had done wrong in this clause, but that they had not gone far enough. The noble Earl was one of the very few men in that House who held that view. This principle of giving compensation for diseases was quite a new one in this country, and it would be very rash of the Government to proceed with such an innovation in any but a very tentative and careful way. The diseases for which compensation was to be payable must be limited in the first instance to those

which were perfectly well known and had to be notified under the Factory Acts. It was only prudent to postpone the inclusion of other diseases in the schedule until inquiry had shown to what extent they were due to particular industrial processes. If the definition of any disease were made too wide or too narrow, considerable hardship would result either to employers or workmen. The Home Secretary had appointed a small committee that was now investigating between twenty and thirty trade diseases, and a pledge had been given that many of them would be added to the third schedule by the time the Bill came into operation in July. The difference between the Government and the noble Earl was one of administration rather than of principle. The Government did not wish to proceed too hastily, or without such inquiry as would satisfy the employers. The Amendment was of a very far-reaching character. It would strike out all limitations and enable a workman to claim compensation for any disease on the ground that it was due to the nature of his employment. The onus of proving that the disease was not so contracted might entail great hardship on the employer, as well as lead to litigation, and make the clause unworkable. For example, a shop-girl suffering from anæmia might complain that her anæmia was due to the nature of her employment, and it would be very difficult to prove that it was not. The Government had taken the middle way on this question, which was the wisest in the circumstances.

LORD ASHBOURNE said that the Government, in framing the clause, had recognised that they were dealing with a new and novel aspect of an extremely important question, and had deemed it right, he thought wisely, to proceed in a tentative and moderate manner. It was best to approach this question in a cautious and prudent spirit. He therefore hoped the noble Earl would not press his Amendment.

LORD NEWTON said he was inclined to dispute the contention advanced by the noble Earl that his Party enjoyed an exclusive or, at all events, a preponderating, sympathy for the working classes. He was disposed to think that on the

whole the working classes had benefited just as much from legislation proposed by the Party to which he belonged as from that brought in by the Liberals. It was gratifying to observe that His Majesty's Government were advancing with due deliberation in any direction. At the same time he confessed that, on the spur of the moment, he was not altogether convinced of the good logic of the noble Earl opposite. The contention of Lord Lytton was that supposing workpeople contracted any of the diseases mentioned in the schedule it would be exceedingly hard upon them if they obtained no compensation because they did not happen to be engaged in one of the employments scheduled. Logically his noble friend Lord Lytton appeared to be in the right. If a person was to be compensated for one of these diseases, it seemed fair that he should be compensated through whatever cause it was contracted. A person would consider himself exceedingly aggrieved if he suffered from one of the diseases mentioned and yet was unable to claim compensation because the employment in which he was engaged was not mentioned in the schedule.

THE LORD CHANCELLOR said that he sympathised unreservedly with the purpose of the noble Earl. He would like to see all diseases made the ground for compensation as all accidents were. But it would be going outside the scope of the Bill to strike out all limitation. The safer method was to specify those diseases which were certainly attributable to particular employments, and to give the power of indefinitely extending the list to the Home Secretary. That course had been assented to by the representatives of both employers and workmen. Any disease that was scientifically traced to any particular work would be immediately included in the schedule.

THE EARL OF PLYMOUTH did not like to pass the Amendment over entirely in silence. He held views that were not perhaps held by those immediately behind him. He to a very great extent sympathised with the object which Lord Lytton had in view, and agreed very much with what the noble and

learned Lord had just said. On the face of it, it seemed to him that it was impossible to have any fair legislation on the principle of a short schedule which gave compensation to workmen who contracted disease in very limited cases, and excluded a large number who might feel themselves aggrieved and might fairly be entitled to compensation. But having heard the argument used by his noble friend behind him, and the arguments which had been advanced on the other side, and understanding that the Government were now engaged in enlarging the description of diseases set out in the short schedule, he ventured to think it would be unwise to press the Amendment. It would be preferable to proceed on the lines on which the Government were now moving.

THE EARL OF LYTTON said that, though the Government were taking a safe course, he was not convinced of its wisdom. If noble Lords supported him, he was quite willing to go to a division on the point.

THE EARL OF MEATH hoped the noble Earl would press the Amendment to a division. He would like the Committee to divide for the simple purpose of showing the noble Earl who spoke from the Government Bench that there were others besides those sitting behind him who had an interest in social reform. He thought there was a great deal to be said in favour of the Amendment, and he ventured to predict that some day schedules would be left out of Bills of this character altogether.

THE MARQUESS OF RIPON: I hope the noble Earl will not take the advice which has been offered to him by the noble Earl who has just sat down. I think if your Lordships were to divide upon the Amendment it would lead to a misapprehension and misrepresentation of the views of the House generally. We sympathise with the object of the noble Earl, but we desire, and I think rightly, to proceed with greater caution. Do not let the noble Earl take a step which is not likely, I think, from what has been said in this debate, to be successful,

Lord Newton.

which would give a false impression as to the feelings of this House generally, and which would rather prevent the extension of the provisions of this clause.

On Question, "That the words proposed to be left out stand part of the clause," their Lordships divided:—Contents, 87; Not-contents, 14.

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Crewe, E. (*L. President.*)

Ripon, M. (*L. Privy Seal.*)

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Northumberland, D.

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Bath, M.

Bristol, M.

Albemarle, E.

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Camperdown, E.

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Churchill, V.

Cross, V.

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Hutchinson, V. (*E. Donoughmore.*)

Knutsford, V.

Allerton, L.

Ardilaun, L.

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Barrymore, L.

Belhaven and Stenton, L.

Belper, L.

Brassey, L.

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Kilmaine, L.

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Halifax, V.

Milner, V.

Ampthill, L.

Boston, L.

Chaworth, L. (*E. Meath.*)

Clonbrock, L.

Lovat, L.

Newton, L. [*Teller.*]

Stammore, L.

Stewart of Garlies, E. (*E. Galloway.*)

EARL BEAUCHAMP moved to leave out the word "such" and to insert "the requisite." The purpose of this proposal was to complete an Amendment inserted on Report in the other House. It was thought that the word "such" might lead to misapprehension. He was afraid there was some misapprehension in the mind of Lord Meath. He could not charge his recollection with having said that noble Lords opposite were not anxious for social reform. He thought a phrase to that effect slipped from Lord Newton. He did not contradict the noble Lord at the time as he thought it was one of his witticisms. He could assure noble

Lords opposite that he was entirely innocent of harbouring such an idea, because he knew there were many noble Lords on the Opposition Benches who were extremely anxious for social reform.

Amendment moved—

"In page 10, line 7, to leave out the word 'such' and to insert the words 'the requisite.'"
—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Drafting Amendments agreed to.

EARL BEAUCHAMP moved an Amendment to provide for the case of local insurance societies.

Amendment moved—

"In page 12, line 15, at end to insert the words 'Where such a company or society has been established, but is confined to employers in any particular locality or of any particular class, the Secretary of State may, for the purposes of this provision treat the industry, as carried on by employers in that locality or of that class, as a separate industry.'"—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Drafting Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9 agreed to.

Clause 10 :—

EARL BEAUCHAMP moved to leave out the words "either party" and to insert the words "an employer or workman" in the provision which read :

"Where a medical referee has been employed as a medical practitioner in connection with any case by, or on behalf, of either party, or by any insurers interested, he shall not act as medical referee in that case."

Amendment moved—

"In page 13, line 13, to leave out 'either party' and to insert 'an employer or workman.'"—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11 :—

Drafting Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12 :—

EARL BEAUCHAMP said there was at present no definition of summary conviction so far as Scotland was concerned. The object of his Amendment was to remove any possible ambiguity.

Amendment moved—

"In page 14, lines 16 and 17, to leave out 'summary conviction' and to insert 'conviction under the Summary Jurisdiction Acts.'"—(*Earl Beauchamp.*)

[On Question, Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13 :—

THE EARL OF LYTTON moved to omit the words "or an outworker" so as to bring outworkers within the scope of the Bill. Their exclusion was, he held, contrary to the principle of the whole Bill in this case, by reason of the fact that the class of people excluded were the poor, helpless, unorganised workers. They ought to make sure that this class were not excluded from the operation of the Bill, unless they were certain that their inclusion would prevent the provision of the Bill from being put in operation. Therefore he would devote his remarks as closely as possible to the question of practicability. The chief argument used against this Amendment was the difficulty which would be incurred in proving that in the case of an outworker the accident, or the disease, from which he was suffering was really due to his employment. Here again he submitted that the onus of proof rested with the workman. He would have to prove to the satisfaction of the Court that he was not suffering from some casual disease to which all flesh was heir—that he was suffering from a particular disease, or that he had met with an accident in the course of, and due to, his employment. If the workman could prove that, he submitted that he ought to receive compensation. He granted that in many cases it would be very difficult for an outworker to prove that the accident, or the disease, of which he complained was incurred in the course of his employment, but if he was able to prove that to the satisfaction of the Court he could not conceive any grounds for his exclusion from the receipt of compensation. Another argument used against the Amendment was that in the case of outworkers they would be removed from any supervision of the employer. They would be working under conditions over which the employer had no control. That argument appeared a very plausible one at first, but he would like to ask the Committee whether it could be applied at all more strongly to the case of outworkers than to the case of a miner working by himself at the end of a shaft in a mine, or

to a railway man working entirely by himself on a siding of a railway. In both those cases, as in the case of the outworker, the employer would have no control over the workman while at his work, and would have no knowledge of the circumstances under which the accident happened; and in the case of all these people they would be obliged to prove, if an accident happened, that it happened in the course of their employment, and in consequence of their employment. But against those two arguments he would put forward one of a strong general character, which, in his opinion, far outweighed them both, even if they were stronger than he was prepared to admit they were. The class of outworkers which he desired by this Amendment to include in the Bill was a class at the very bottom of the industrial ladder. It was a class which was ill-paid, and which carried on a very hand-to-mouth existence, and the conditions under which they worked were often of an insanitary and unsatisfactory nature. In fact their work was exactly that class of work which their Lordships desired to discourage as much as possible. What would be the effect of this Bill? If it passed in its present form, and the outworkers were excluded, there would be a direct inducement brought to bear upon employers to give more outwork rather than less. There would be a direct temptation to employers to evade their responsibility under the Act by giving out work, which would be carried on under conditions the reverse of satisfactory. He did not put that forward only as his own opinion; he maintained that there were facts in support of it. The whole past history of factory legislation went to show that when a particular class of factory was excluded from the operation of the Acts there was a great increase in that particular exempted class. He would instance the case of laundries, and the precautions imposed against fire. It was laid down there that those precautions had to be taken if there were as many as forty people employed in a factory or workshop, but that, if there were less than forty, they need not be taken. They had seen in the past where, that being the state of the law,

employers had deliberately cut the number of their workmen down to thirty-eight and thirty-nine in order to get out of the provisions of the Act. He did not approach the question from the point of view of either the employer or the employee, but from the point of view of the State, and he submitted that the whole tendency, both of the Factory Acts and of Acts like this Workmen's Compensation Act, was to improve the conditions of labour as far as possible, and to secure that in the course of the industry of this country there should be as few accidents and casualties as possible. Therefore, to leave this Bill as it stood would, he submitted, be to give direct encouragement to that class of work which was contrary to the whole spirit of the Factory Acts, and of the Workmen's Compensation Act. He would also like to urge upon the Committee one more general consideration. This seemed to him to be an opportunity of making a change in the Bill which would be very acceptable to all parties in the House of Commons. When the Bill was read a third time in that House a direct appeal was made to His Majesty's Government not to resist attempts which would be made in the House of Lords to insert this Amendment. The occasions were only too frequent in which their Lordships' House had inserted Amendments in Government Bills which were not cordially accepted by the House of Commons. Here, on the other hand, they had an opportunity of inserting an Amendment which would be welcomed in the other House — an Amendment which would render the Bill more acceptable than it was at the present moment; and he therefore most earnestly hoped that the Government, in consideration of the appeal made to them on Third Reading in the House of Commons, would give favourable consideration to this Amendment.

Amendment moved—

"In page 14, line 37, to leave out 'or an outworker.'"—(*The Earl of Lytton.*)

EARL BEAUCHAMP said he was afraid he was not able to accept the

parallels which had been suggested by the noble Earl either with respect to the railway man on a siding or the miner in a mine, because he was sure their Lordships would agree with him that the railway company, if they had not inspected the siding, ought to know all about it, and, if an accident occurred, they were a great deal more responsible for it than an employer would be for an accident which might take place in a room which he had probably no opportunity whatsoever of inspecting or finding out anything about. And so also with regard to the mines. A mining company certainly ought to know all about the farthest corner of their mine, even the part which had been most lately opened, before they allowed the miners to work there. In those two respects, the parallels of the noble Earl hardly ran on all fours as completely as the noble Earl seemed to think. With regard to the question of outworkers as a rule, he was sure that on behalf of His Majesty's Government he could express the sympathy which they had already expressed in another place. They expressed their regret on the Third Reading of the Bill that it had not been found possible to include this class. As Lord Lytton was aware, the chief reason for excluding them was that the outworkers were on premises of the nature of which the employer could know very little, and over which he had no sort of control. If they put this liability upon the employer, it would become a matter for consideration whether they should not give the employer some sort of control over the place in which the work was done. He thought he might remind the noble Earl, too, that outworkers were a class who were not very susceptible to disease arising from their employment, and that this Bill did certainly give compensation to very large numbers of people throughout the country. Considerable expressions of opinion had reached His Majesty's Government with regard to the extent to which compensation was given, and they were unwilling to enlarge the area of compensation, at any rate at present, however much they might desire that they could meet the wishes of the noble Lord now, or might hope to be able to do so sometime in the future.

Earl Beauchamp.

***LORD ZOUCHE OF HARYNGWORTH** hoped Lord Lytton would not press his Amendment to a division, because he thought if he did so the Committee would be placed in a position of considerable difficulty, and the noble Lord would be raising—quite unintentionally, he was sure—a false issue. Nobody who had heard the noble Lord speak could doubt his thorough sympathy with these, in some cases, unfortunate men the outworkers, and he was sure that all their Lordships would sympathise with that part of his remarks. But it was impossible not to see the force of what had fallen from the noble Lord in charge of the Bill—that this would be impracticable, in the sense that it went too far, and that they were throwing what was really an unfair responsibility upon the employer. These outworkers were so very often employed by small employers. They had it on the authority of His Majesty's Government that the Bill dealt very hardly with the small employer. They had that on the highest authority they could have it, namely the hon. Member who took charge of the Bill in the other House. He ventured to point out one other consideration, and that was whether this proposal would really redound to the benefit of the workman. If they put too heavy a burden upon the employer, and especially the small employer, it would certainly tend gradually to reduce employment throughout the country. If they put too heavy a burden upon him and strained him to the breaking point, they almost forced him to take every opportunity that he could, though no doubt very often against his will, to employ as few workmen as possible. He trusted the Committee would take that view into consideration. They would see that it was really not ultimately to the benefit of the worker to put undue and practically impossible burdens upon the shoulders of the employer.

THE EARL OF LYTTON said that as the Government had exhibited such nervousness on the question of the progress they were going to make, and in view of the diverse opinions which had been expressed, he would not press his Amendment to a division.

Amendment, by leave, withdrawn.

THE EARL OF CAMPERDOWN moved to omit from the definition of "dependants" the words—

"And where the workman, being the parent^t or grandparent of an illegitimate child, leave^s such a child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child and parent or grandparent respectively."

This was the first time that the word "illegitimate"—at least so far as he knew—had appeared in an Act of Parliament, and he submitted that it would not be expedient to insert these words. First of all, he would say a word or two with regard to their history. The Government had changed their minds on the matter. A similar Amendment was moved in Grand Committee in the other House; the Home Secretary voted against it, and it was defeated. But, on Report, Mr. Keir Hardie moved the words which were now in the Bill, saying he had good reason to suppose they would be accepted, and they were accepted. What was the reason for the insertion of the words? He had asked the noble Lord on the Woolsack the other day, and he admitted that it was an entirely new kind of provision, but he pointed out that being illegitimate was not the fault of the child. The noble and learned Lord also stated that in Scotland the matter was dealt with otherwise. He quite agreed, and he thought that the proper way to deal with the matter was to deal with it in the same manner in which it was dealt with in Scotland—namely, by altering the marriage law, and making it similar to the marriage law in Scotland, by which a parent was able to legitimatise his children subsequently by a declaration. But he did not think that the right way of doing it was the way adopted here—to do it by a side wind, in a clause. It was quite true that there were some cases of hardship. But let them think how much greater hardships they would create by inserting these words in the Bill. If the case were simply this—that there was a child born before marriage, and its parents were subsequently married, he quite agreed that that was a hard case. But by inserting these words in the clause, in the first place they introduced a considerable temptation to fraud. A person might

have a servant who was unmarried, and have no reason to suppose that he or she had any children. But if the servant happened to die, a child might turn up and say that it was the child of this servant, and was dependent on him or her. It seemed to him that they exposed themselves to cases of that sort. Where a married man had children, and had also an illegitimate family, considerable hardship might be caused by bringing in the illegitimate children to share the compensation with the legitimate children. He could easily show that it was a discouragement to marriage, because if it did not matter, from the point of view of the Court, whether the parents were married or not, clearly that was an inducement to them not to be very particular about being married. He thought he had said enough to show their Lordships that it was not desirable to introduce, for the first time, words of this sort. If they wanted to remedy illegitimacy, let them do it by altering the marriage law, and not by words in a particular clause. He begged to move.

Amendment moved—

"In page 15, line 12, to leave out from 'dependent' to the end of the paragraph."—
(*The Earl of Camperdown.*)

*THE LORD CHANCELLOR very strongly deprecated the adoption of the view of the noble Earl. He had not the slightest doubt that his Lordship wished, by the method he proposed, to promote marriage and regularity of life. He would ask him to consider, in the first place, what the general meaning and scope of this Bill was. It was a Bill, and the Act of which it was an Amendment and a consolidation was an Act, really in the nature of a general insurance—that an industry should suffer itself the losses, and compensate the losses incurred in the industry. It was a large and a fine idea. It was not given by reason of the merit or demerit of the sufferer, because a man might have been guilty of misconduct, though not serious and wilful, and yet have the benefit of the Act. It was not limited to liability on the part of persons who were blameworthy, because the employer in all these cases was personally free from blame,

and it was in no sense a penalty for anything he had done or omitted to do. In his opinion the scope of the Act, notwithstanding his difference in many points from its author—and he supposed he differed from Mr. Chamberlain as widely as it was possible for one man to differ from another—would always stand as a lasting monument to his humanity and breadth of view. As he had always said, in the House of Commons and out of it, the Act was passed with the idea that an industry was to be taken as a whole, and that it was to bear the consequences—the wear and tear, and the human wastage, so to speak, that attached to it. And the reason—he remembered perfectly well being appealed to himself—of what took place, and what led largely to the passing of the measure, was that on the pay day in the yards there would be seen a small row of the widows, and the little children, of those who had perished. In most cases he was quite certain they were cared for by the employers, who in this country were as a rule humane people; but in some cases these poor people, especially the dependants of those in company employ, were not cared for, and there they were on pay day, and the men would put their hands in their pockets and help these poor people out of their trouble. It was felt that that ought not to be, and that was the origin of the measure. It was dealt with quite apart from any question of merit or demerit on the part of the employer, and quite apart from specially deserving conduct on the part of the workman; in fact the question was dealt with quite apart from merit altogether. Why were the children, because they had the misfortune to be illegitimate, to be excluded from this scheme? He could not understand it. He could have understood the noble Earl doing a thing he was quite sure he would not do—throwing stones at the parents, but he could not understand people thinking it right to punish the poor children. Blame the parents by all means; punish them by secular punishment if needs be—although secular punishment had never been applied to people of that kind in this country. It was not attempted to do this, and to his mind all the fabric of the law which had

the effect of punishing illegitimate children, so to speak, with the view of warning the parents, and teaching other people not to do the same, was a mistake, and essentially inhumane in its nature. He asked them to look at the French law. The French law allowed part of the property to go to the illegitimate children, and there was nothing wrong or inhumane in it. They might throw as many stones as they pleased (as long as they did not ask him to join in throwing them) at the parents, but he asked them not to throw stones at the children, and not to injure the children. Why should not one of these little creatures get its compensation because it was illegitimate? It was dependent upon a breadwinner; that breadwinner was one of a number engaged in a great industry, and this was a great, wide scheme for the purpose of preventing the leaving unprotected and unsolaced its own victims. And he would make this further observation: for his part he did not believe that this provision would have the least effect in promoting a regular and seemly life. It seemed to him difficult to imagine, if they thought of it, that those who had trespassed would really think for a moment, as an incentive towards virtuous courses, that in the event of an accident taking place, under the Workmen's Compensation Act, and in the case of a victim of such accident leaving an illegitimate child, that child would be unprovided for. The thing was so remote from human nature. This was a humane Bill; let it remain a humane Bill.

On Question, Amendment negatived.

Drafting Amendments agreed to.

Clause 13, as amended, agreed to.

Clauses 14, 15, 16 and 17 agreed to.

First Schedule :—

***LORD AMPHILL** moved to amend the first schedule (scale and conditions of compensation) so as to secure that where death resulted from the injury sustained the dependants who were only in part dependent upon the workman should be compensated at the rate of 156 times

the amount of the average weekly contribution of the deceased towards their maintenance. He said the Amendment was not an ambitious one, but he thought it was nevertheless well worthy of the serious attention of the Committee, and particularly of the noble Earl in charge of the Bill. Its object was simply to make the Bill more consistent than it was in its present form and to prevent, or to minimise, the risks of unnecessary litigation. He did not wish to prevent any litigation by which the workman would benefit, but there was no object in having litigation which benefited nobody except the lawyer. In the preceding sub-section the allowance for total dependency was ascertainable on a definite and fixed principle, and therefore he was unable to see why the same principle should not hold good in cases of partial dependency. That was what he meant by saying that the object of this Amendment was to make the Bill consistent. With regard to avoiding unnecessary litigation, he would point out that the words "reasonable and proportionate" opened a wide field for differences of opinion among lawyers and judges. The Committee would realise at once what an immense field those words gave for differences of interpretation and for an enormous amount of unnecessary litigation. He hoped the Government would agree that this was a reasonable and necessary Amendment.

Amendment moved—

"In page 18, line 20, to leave out from the beginning of paragraph (ii.) to 'and' in line 26, and insert 'If the workman does not leave any such dependant, but leaves any dependants in part dependent upon his earnings at the time of his death, such sum as shall represent one hundred and fifty-six times the amount of the average weekly contribution of the deceased towards the maintenance of such dependants for a period of twelve months prior to the date of the accident causing the death.'"—(*Lord Amptill*.)

EARL BEAUCHAMP agreed that the Amendment moved by the noble Earl was a perfectly logical one. It was not resisted by His Majesty's Government on the ground of its being illogical, but for quite different reasons. Amendments to the same effect as that of the noble Lord

and of Lord Zouche were moved in another place and rejected on the ground that the Government did not propose to interfere with the main scales of compensation provided in the existing Act. Lord Amptill, he was quite sure, had realised by this time that the present Bill was a very complicated measure, and one nicely adjusted to very various interests. It was already complicated, but if His Majesty's Government had decided to interfere with the different scales which existed under the present Act there would have been a very large number of Amendments in addition, which would have made the Bill even more complicated. Those were the grounds upon which he ventured to hope that the noble Lord would not insist upon his Amendment. The Government from the first moment rather intimated to the other House that they did not propose in this case to interfere with the scales which already existed, and that intention of theirs was acquiesced in. He ventured to think that it would be very inconvenient if now the Committee were to interfere with the scale because, in view of that intimation of the Government, Amendments which might have been moved by Members of the House of Commons were not brought forward. Any Amendment, therefore, on the lines of that of the noble Lord, however logical, would, he was afraid, interfere very seriously with the plans of His Majesty's Government as they had been carried out so far. He might also say to the noble Lord that if he saw his way not to press the Amendment, after all no very great harm would be done, because the matter would be left to the discretion of those Courts of whom he (*Earl Beauchamp*) had already been able to say—he was glad to think with the acquiescence of the Committee—that they commanded the confidence of both employer and employee. What Lord Amptill's Amendment would do would be to take away from these Courts certain discretion, and as, so far, at any rate, these Courts had not exercised their discretion in any way which was thought unfair by employer or employee, he ventured to hope that they might be allowed in the future still to exercise that same discretion.

*LORD ZOUCHE OF HARYNGWORTH agreed that there was a great deal to be urged on behalf of this Amendment from a mere logical point of view. In those cases where there was a definite weekly contribution by a workman out of his earnings towards a partially dependent relative, no doubt the basic figure of 156—which was the same as that in the earlier part of the schedule—would simplify proceedings in the way of enabling a claim to be easily calculated. But it was impossible not to see at the same time the force of what the noble Earl in charge of the Bill had said, that although the Amendment might be strictly logical yet in many cases it might produce the very complication which was sought to be avoided. They could not have exactly the same class of case always occurring, because where there was a money payment more or less regular that was a very simple thing, but among the poor workmen he fancied it was a very common custom for a generous man to support a relative who was not his wife or child, partly by money perhaps, in the shape of an occasional gift, partly by help in the way of sharing his dinner for example, or some method of that sort—sometimes by a gift of clothing or what not—none of which methods would be exactly a money payment, and the value of which would have to be calculated and a weekly average struck and the amount of such weekly average multiplied by the figure 156. That would no doubt, as had been represented, cause some complication, and would, on the part sometimes of very unscrupulous people, unfortunately promote or tend to promote the very litigation, which it was sought to avoid. Therefore, although he was sorry, looking at the matter in its simplest form, that His Majesty's Government did not see their way to accept the Amendment, yet he could not think that even if it were rejected any great harm would be done practically, inasmuch as the Court before whom the case would be tried, if it had a free and unfettered jurisdiction, would probably deal out as far as might be practical justice in cases brought before it. It might often happen that where a claimant came in the guise of a partial dependant, the employer, if a just man, might say, "Well, this is

rather a doubtful case, but I do not wish to be hard; I will try and settle this matter by paying a fair sum down;" and he thought that very often—possibly in nine cases out of ten—that would settle the matter.

*LORD AMPHILL said that he fully admitted the force of Earl Beauchamp's reply so far as it related to the convenience of the Government, and the last thing that he would wish to do was to embarrass the Government, even if he could count upon any degree of support for this Amendment. But there was a further argument used by the noble Earl which he could not allow to pass unchallenged. He had declared that the effect of his Amendment would be to interfere with the discretion of the Courts, in whom both employers and employees, as well as the country generally, had the greatest confidence. He could not admit that the Amendment would have that effect. It would not interfere with the discretion of the Courts, but he thought it would rather give them a line of guidance. They would have a basis, a principle, upon which they could frame their decisions, and the result would be a more even and consistent working of the Act throughout the country. He did not think that could in any way be described as interfering with the discretion of the Courts, and he need hardly say that he did not in any way dispute or deny what the noble Earl had said about the confidence which was felt in the Courts of law in this country. He was not inclined to withdraw the Amendment until he could ascertain whether he had some support or not, and he should therefore challenge a division. It was impossible to see until this was done whether his Amendment, which had been admitted to be logical and consistent, was supported or not.

On Question, Amendment negatived.

THE CHAIRMAN OF COMMITTEES pointed out to Lord Camperdown that if he moved and carried the Amendment standing in his name it would have the effect of shutting out the subsequent Amendment of Lord Belper.

THE EARL OF CAMPERDOWN said he would be very sorry to shut out Lord Belper's Amendment, and so far as he was concerned he was perfectly prepared to let it be taken first. He did not, however, suppose that that would be in accordance with the ordinary rules of the Committee. Therefore, if the noble Chairman thought it better, he would proceed to state the case for his Amendment.

THE CHAIRMAN OF COMMITTEES suggested that the difficulty might be met by a slight modification in the Amendment.

THE EARL OF CAMPERDOWN said he could not move the Amendment by simply alluding to half a sentence; he must either state it or postpone it. Perhaps he had better state his case and at the same time say what he had to say with regard to Lord Belper's Amendment. What he proposed to do was to provide that—

"unless the incapacity arises from a fracture of limb or dislocation of a limb, or loss of an eye, or from any other personal injury which prevents the workman from earning full wages at the work at which he was employed for a period exceeding twenty-one days, no compensation shall be payable in respect of the first week."

As the Bill stood, for the first seven days a workman was not to receive compensation. Then if the injury lasted for fourteen days or thirteen days he would receive compensation for six days. But supposing it lasted for fifteen days, then he would receive compensation for fifteen days. He suggested that this was evidently a temptation to malingering. That was not his own opinion only; it was the opinion of the Home Office Departmental Committee which was appointed to inquire into this law in 1904. They said as regarded the suggestion that in the case of injuries incapacitating a man for two weeks or more the compensation should be dated back to the day of the accident.

"The danger of malingering if a fortnight's compensation became due at the expiration of fourteen or fifteen days would be very great and must, in our judgment, be regarded as a fatal objection."

He thought that spoke for itself, and it was unnecessary for him, therefore, to trouble their Lordships in elaborating

that point. What he proposed was that that fourteen days should be extended to twenty-one days, because there was much less probability of a man malingering for twenty-one days than for fourteen. If the Committee excepted the cases of incapacity arising from a very severe injury, he thought all justice would be done, and there would be much less probability of anything approaching to a fraud arising under this clause than if it were left as it now stood. With regard to Lord Belper's Amendment it was only slightly different from his own. He must say that of the two he preferred it to his own, and if the Government preferred Lord Belper's Amendment he would be quite content to withdraw his own and accept that of Lord Belper. He begged to move.

Amendment moved—

"In page 19, to leave out lines 2 and 3 and insert '(a) unless the incapacity arises from a fracture of limb or dislocation of a limb, or loss of an eye, or from any other personal injury which prevents the workman from earning full wages at the work at which he was employed for a period exceeding twenty-one days, no compensation shall be payable in respect of the first week, and.'"—(*The Earl of Camperdown.*)

LORD BELPER said perhaps it would be convenient that he should say a word or two on Lord Camperdown's Amendment, especially as the noble Lord had intimated that he preferred his (Lord Belper's) Amendment to his own. If both Amendments were before the Committee perhaps the one standing in his own name would be accepted. He would say at once that he was very reluctant to move any Amendment which would have the effect of limiting the compensation which had been agreed in the other House to be paid to workmen, and which to a certain extent at all events—although he did not say the exact terms had been agreed—had not given rise to so much discussion there as might have been expected. The history of this clause, or of the part of the Bill which dealt with compensation, was rather remarkable. In the original Bill the provision was that no compensation should be paid until after the first fortnight. That point was very carefully considered indeed by the Committee

which sat upon that Bill, and after full consideration, and after hearing a great many arguments on both sides, it was decided that it would not be wise to extend the compensation payable by making the fortnight into a shorter period. Notwithstanding that, when this Bill was brought in, the time was reduced to seven days. In the Standing Committee in the other House it was still further reduced, in spite of the remonstrance of the Government, to three days. When it went back to the House the seven days was re-inserted, but it was accompanied by the proposal that in the case of an incapacity which lasted a fortnight, compensation for the first week should be paid to the workman who had suffered the injury. He entirely shared Lord Camperdown's view with regard to the principle of dating back. He did not think any stronger words could have been used in a Report from a Committee than those which he read, declaring the view of the Committee that it was absolutely out of the question to adopt a proposal to date back in a case where the injury had only lasted for a fortnight. He was quite aware that the principle was the same, even if the period was extended to three weeks, but at all events it would do away with a very large number of cases where there would be a very strong inducement—he would not say to malinger, because he had not the least desire to cast any aspersion of that kind upon the workmen, but to stay at home when, otherwise, they might go to work. Let the Committee consider what the provision meant. It meant that by staying at home the workman would get a considerably larger sum than by going to work, and anybody under those circumstances, would be rather influenced to stay at home. The temptation to regard one's self as not thoroughly cured of the injury suffered was almost too strong to be withstood. Under those circumstances he ventured to press that the time should be extended to twenty-one days. It was clear that the cases they wanted to meet, and to give extra compensation to, were the cases of really serious injuries. The more serious those injuries were the more important it seemed to him that the workman should have some extra compensation. Where the doctor's bill

Lord Belper.

was a large one, and the workman was kept from working a considerable time, the necessity of his family must be greater, and, therefore, the longer the injury lasted the more desirable was it to give some larger compensation than could be done by giving the compensation for the first week. He hoped the Government would understand his reason for putting down the Amendment standing in his name. He thought the clause as it stood was really a premium on malingering, although he hardly liked to put it in that way; at all events it was not human nature to resist where such a temptation was held out, and it was certain to have the effect of extending these injuries, especially when such a very great inducement was held out to a man not to go back to his work at the time he might have done. He could not, of course, move his own Amendment now, but in case Lord Camperdown withdrew his, he would certainly move the Amendment standing in his name on the Paper.

EARL BEAUCHAMP said there was an Amendment upon the same point by another noble Lord, who was not present (the Earl of Shaftesbury), and he had thought, perhaps, that it might have tended to the convenience of the Committee if all three Amendments were discussed together, seeing that they dealt so much with the same point. He might say at once that he would like to accept fully the account which the noble Lord had just given of the history of this provision in the Bill. It was perfectly true that the Bill as first introduced was not the same as it was now, it had been altered in Committee, and it had been changed again since then. There was one point which came into his mind while the noble Lord was speaking, that if to workmen—it was difficult to choose a phrase on this subject, as all the members of that Committee were so tender—there was a tendency on the part of any workman to delay his return to work, would not the suggestion of the noble Lord that he should wait for twenty-one days, rather go to show that he would delay his return for three weeks instead of for a fortnight?

LORD BELPER: No.

EARL BEAUCHAMP: After all there was that point—that if he was likely to delay his return for a fortnight was it as likely that he would be still more anxious, or just as anxious to delay his return for the full three weeks. But that was not the ground upon which he wished, on behalf of His Majesty's Government, to oppose the Amendment of the noble Lord. He thought it might be taken that the noble Earl, who had expressed a preference for Lord Belper's Amendment, would not wish in any case to press his own.

THE EARL OF CAMPERDOWN: I withdraw mine at once.

EARL BEAUCHAMP said that as a matter of fact, as their Lordships were made well aware by the noble Lord, this provision was the result of considerable discussion in the lower House. It had been arrived at generally, he thought he might say, with the consent of all Parties, and it represented the consensus of opinion upon a matter of very considerable difficulty which had evoked a great deal of criticism and discussion, not only inside the House of Commons but also outside. The Bill of last year, which was introduced by the late Government, mentioned a fortnight as the qualifying period. This Bill started with seven days. The Committee reduced it to three days, and then by arrangement the seven days, with the dating back after fourteen days, was inserted. He could not help thinking that that system, even if it did not commend itself to the Committee as being entirely logical, had that atmosphere of compromise about it which he hoped at that time would be likely to approve itself to the Committee as one that would be agreeable to both sides. The general question of dating back, it was perfectly true, was one upon which the Committee to which Lord Camperdown had referred did not feel itself able to recommend that legislation should proceed upon those lines. But the answer, and the only answer, which he could give to the noble Lord upon that point was one which would not be entirely unexpected by him, namely, that there was now a Government in office which

did not agree with the Committee which reported so long ago as 1904, and that they had proposed more generous terms. On the general question of expense he thought that on the whole the associations of employers and the insurance companies, whose opinion had been somewhat freely circulated amongst noble Lords, and which had also been sought by His Majesty's Government, were of opinion that there was very little difference between the proposal which emanated from the Committee in question and the proposal now before their Lordships. He could only say that this was a provision which His Majesty's Government had considered at great length, and which they had introduced into the Bill in another place in the hope and in the belief that it would end by being acceptable to all Parties.

THE EARL OF CAMPERDOWN did not think the noble Lord could quite say that this clause was acceptable to all Parties in the other House, because, unless his recollection served him wrongly, there was a division, or two divisions, against it. It was acceptable to this extent: that, where there was a majority and a minority, what the majority wanted was determined to be the decision of the House. But, with regard to the question of whether fourteen days was more likely to encourage a tendency, to use the noble Earl's phrase, not to desire to return to work, there could be very little doubt, because twenty-one days meant at all events a considerably longer abstention from work and also a considerably smaller gain on the part of the person who did not return to work than in the case of a person not working thirteen days and being paid for six, and not working fifteen days and being paid for fifteen. It seemed to him that the encouragement given by full payment as soon as a workman had been fourteen days away from work must necessarily encourage a person to desire to stay at home. He felt sure that would be so in the case of any of their Lordships, and it would certainly be the case with himself. Therefore, if Lord Belper moved his Amendment and divided the Committee he should certainly vote with him.

Amendment, by leave, withdrawn.

Amendment moved—

"In page 19, line 2, to leave out the word 'two' and insert the word 'three.'"—(*Lord Belper.*)

LORD ASHBOURNE quite felt the force of the arguments adduced on both sides of the question. He was sure, not only from what the noble Earl in charge of the Bill had stated, but from what he had read of the progress of public business, that this was a matter discussed more than once very fully in the other House, and he, therefore, would advise his noble friend not to press the matter further.

LORD BELPER said that under the circumstances he should not press his Amendment to a division. But he wished to make a protest, because he did not think this was a desirable way of dealing with the question of compensation. He thought it would have been far better that compensation should have been paid at an earlier day rather than that they should go back and hold out this inducement to workmen which they would not otherwise have had. He thought the noble Earl had rather lightly passed over the remarks he had made in quoting from the Committee of 1904. He had said, "Oh, there is another Government in office now, and they do not adopt the views of that Committee." He would, however, remind the noble Earl that the Committee in question was an absolutely impartial one, and was not appointed as representing either the late Government or the present Government. The Chairman of it, as everybody present would admit, was as impartial a man as could be found; and the present Government had already asked Sir Kenelm Digby to sit on one or two Commissions appointed by themselves, which showed their confidence in his impartiality. That Committee considered the point he had put to be a fatal objection to the proposed system. That was all he desired to say, and he begged to withdraw the Amendment.

Amendment, by leave, withdrawn.

LORD BELPER moved a new subsection providing that a workman

who had obtained a medical certificate stating that from age or physical or mental infirmity he was specially liable to accident, and who had entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable to him, the compensation should not exceed the maximum, or be less—

"(1) Where death results from the injury and the workman leaves any dependant, than £25, or a sum equivalent to thirty-nine times his average weekly earnings, whichever is the larger; (2) where total or partial incapacity results from the injury, then a weekly payment during the incapacity after the second week of 5s. or one quarter of his average weekly earnings, whichever is the larger."

He hoped this Amendment would not only receive the sympathy of the Committee but also its support. He had been very much disappointed to find when the Bill came up to their Lordships' House that this Amendment, which had been proposed in a somewhat different form by His Majesty's Government, had been cut out on the Report stage. What was the proposal? It emanated like other suggestions which had not in all cases been adopted from the Report of the Committee of 1904, to which so much attention had been drawn to-night. That Committee said that the evidence had led them to the conclusion that the Workmen's Compensation Act had largely increased the difficulty of old men finding and retaining employment. They went on to say that they feared the tendency of these difficulties was to grow, and that when the working of the Act of 1900 came to be more fully and generally understood (that was with regard to agricultural labourers) there seemed to be ground for apprehension that the difficulties might be more felt in rural districts, and they further went on to say that they thought the danger was sufficiently great to justify the attention of the Legislature. That was a very weighty opinion, but he might remind the Committee that, if it was weighty at the time it was written, it had infinitely more weight now, because this Bill proposed to add to the workmen who would be able to get compensation if injured, another 6,000,000 in addition to the 6,000,000 under the original Bill, and, he believed,

the something like 2,000,000 who were supposed to be added under the Act of 1900. What were the classes of these workmen? The original Bill dealt with workmen in large employment, railways, large commercial undertakings, and dangerous trades of such a character that the great proportion of them had benefit societies of which they could reap the advantage in old age or when they were suffering from any infirmity. The present Bill added to those an equal number, but a great proportion of them were in small employment, where they would not have the same advantages—to as large an extent at all events—as was the case with those employed by large companies and large industrial undertakings. It seemed to him, therefore, that their sympathy ought to be even stronger than before for those workmen who would lose their places and be turned out owing to the compensation given under this Bill. With regard to the old people, he believed it was perfectly clear that they were more liable to injury than the young men, with the result that a large number of old men had lost and would lose their places in consequence. His Amendment also dealt with those who, owing to physical or mental infirmity and incapacity, were specially liable to accident. He would like, with the leave of the Committee, to leave out the first portion of his Amendment, because he understood, since he put down the Amendment, that there was an objection in the other House to dealing with, or at all events recognising, the case of men of a particular age; and he found, on reading his Amendment, that the case of an old man would be sufficiently covered by the latter part of the Amendment, under sub-section (d), which said—

“In the case of a workman who has, in accordance with regulations made by the Secretary of State, obtained from a medical referee a certificate to the effect that his age, or any physical or mental infirmity and incapacity from which he is suffering, is such as to render him specially liable to accident,”

and that they should be met by being allowed to agree with their employer for a smaller amount of compensation. Therefore, he would like to amend his Amendment by taking out sub-section (c) and leaving in sub-section (d). He believed that was very

much the form in which the Amendment was left by the other House; and probably, if that was the case, it might be more acceptable to them than if be put in the first part of his Amendment. With regard to the case of those suffering from some physical or mental infirmity, it was quite clear, from the evidence given before the Committee, that that was a very serious case indeed for many of them. In one case there were six men in one employment who had each lost an eye; and the insurance company had absolutely refused to insure them on any terms whatever. More than that, he understood that the mutual insurance companies of the men themselves would decline to insure men who were suffering from an infirmity of that sort. Therefore, it was not to be wondered at that there was a great reluctance on the part of employers to give employment to men who were suffering from some infirmity of that character. He regretted that this Amendment, although there was a closer division upon it in the other House than there had been on some Amendments to the Bill, had not been accepted. As far as he could learn the arguments against it were that to recognise in any way the principle that a man in a particular trade should receive less wages, and therefore less compensation, was contrary to the principle of trade unionism. He did not quite understand why in these cases there could not be an exception made. There were men who were obviously suffering from old age or from some infirmity, and, therefore, it could not be supposed that they would be earning the same wages as men in possession of all their faculties or younger men. However, that was the argument used, and it proved fatal to the Amendment. He was bound to say that when Parliament brought in this measure for the good of the workmen, and when their attention was called to the fact that there was a large class of workmen who especially deserved sympathy and support and who had suffered in this way in consequence of the measure that was brought in, the least that could be done was that Parliament should try and meet their case and do what it could to prevent their suffering in that way. Under these

circumstances he trusted the Committee would support the Amendment, and that, if it was sent down to the other House with a strong expression of feeling from their Lordships, at all events some further consideration would be given to it, because it seemed to him to be eminently a matter on which their Lordships were not only able but bound to express their opinion. He begged to move his Amendment.

Amendment moved—

“In line 9, after the word ‘shillings,’ to insert ‘(d) in the case of a workman who has, in accordance with regulations made by the Secretary of State, obtained from a medical referee a certificate to the effect that his age or any physical or mental infirmity and incapacity from which he is suffering is such as to render him specially liable to accident, or to render the result of an accident to him specially serious, and who has entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable to him under this Act, the compensation shall not exceed that maximum, but the maximum shall not be less: (i.) Where death results from the injury and the workman leaves any dependant, than twenty-five pounds, or a sum equivalent to thirty-nine times his average weekly earnings, whichever is the larger. (ii.) Where total or partial incapacity results from the injury, then a weekly payment during the incapacity after the second week of five shillings or one quarter of his average weekly earnings, whichever is the larger.’”—
(*Lord Belper.*)

EARL BEAUCHAMP said there had been two points really raised by the Amendment of Lord Belper—one with regard to the principle and the other with regard to the details of the Amendment he had proposed. With regard to the principle, he would say at once that His Majesty's Government proposed to follow the course which they had taken in another place, of not interfering directly in any division which might take place on the question, leaving it to be settled exactly as their Lordships' wished. There was a remarkable division in another place, when the Home Secretary, who had charge of the Bill, and also the Under-Secretary voted for a clause on lines similar to the present Amendment. In spite of that, however, it was defeated, and the Bill had reached their Lordships' House without that clause. Under those circumstances it would be improper for him to express his views on either one side or the other, or to endeavour

Lord Belper.

to influence their Lordships' vote in either direction.

LORD ASHBOURNE: What were the arguments of the Home Secretary?

EARL BEAUCHAMP said that the Home Secretary had voted, and had also spoken, in favour of the clause, but what he had been about to observe was this. There was the further point of the drafting of the Amendment. In the event of the Committee carrying, or desiring to carry, the principle of this clause, the Home Office trusted that their Lordships would not carry it exactly in the form proposed by Lord Belper, but would rather use the form of words in which it left the Standing Committee. The Home Office would wish it rather to appear in the form proposed by the Home Secretary himself. Perhaps it would be convenient if he were to read it—

“(c) In the case of a workman who has in accordance with regulations made by the Secretary of State obtained from a certifying surgeon a certificate to the effect that on account of old age or the loss of an eye, or a limb, or of any other serious physical infirmity or incapacity specified in the regulations, he is specially liable to serious accident if employed in any employment of any class specified in the certificate, and who has entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable to him under this Act, the compensation if payable in respect of an accident happening to the workman whilst employed in an employment of any such class shall not exceed that maximum, but the maximum shall not be less—(i) where death results from the injury and the workman leaves any dependants, than fifty pounds; (ii) where total or partial incapacity for work results from the injury than a weekly payment during the incapacity, of ten shillings; and)”

and then it would follow on accordingly.

LORD ASHBOURNE: Is it intended to leave out all reference to mental failure?

LORD BEAUCHAMP imagined that would be so. The regulations made by the Secretary of State would perhaps cover that, because, as the noble Lord (Lord Ashbourne) was aware, the Secretary of State was in favour of regulations based on that idea. Having said so much, he was bound to confess that he should vote against the Amendment if it proceeded to a division, in spite of

the high authority there was for the Amendment and for the principle now before the Committee. He did not know what opposition there was likely to be to the noble Lord's Amendment, but unless it was considerable he should not think of dividing the Committee on the subject.

LORD BELPER said he was quite willing to accept an Amendment in the terms proposed by Earl Beauchamp. As far as he could see it would fully carry out his object, and it appeared to be really very much in the form of the words contained in the second part of his Amendment, the only difference being in reference to the amount of compensation.

LORD STALBRIDGE said he was very glad indeed that His Majesty's Government at last had really done an act of justice to the workmen, because if they had insisted on opposing the Amendment of Lord Belper they would undoubtedly have inflicted a great injustice upon a very large body of deserving men. He, of course, spoke only from one point of view—the railway point of view—and he represented a railway that employed an enormous number of men. It stood to reason that in one of their departments, which employed 5,000 or 6,000 men, there must every year be a certain number of old men falling out of the ranks, and when it came to reducing the numbers of employees it naturally followed that the oldest men must leave. To render the hardships of those men as light as possible they endeavoured to give them employment at a reduced rate of wage wherever they could, but it was obvious that in justice to their shareholders they could not place such men in positions where the company would stand a grave risk of losing large sums of money if any accident happened to them. The men were perfectly willing to forego it themselves if the opportunity was given them. He was sure that if noble Lords were able to vote according to their own feelings, even the noble Earl himself (Earl Beauchamp) would vote for the Amendment, although he had said that he would not. He meant that he would do so

if he thoroughly understood the position. He was very glad indeed that the House was left free to vote as it liked, because there were many on the Government side who had strongly sympathetic feelings for these old men who would lose their employment if the Bill was carried in the form in which it now stood.

THE CHAIRMAN OF COMMITTEES: The noble Lord, I understand, moves the Amendment in the form suggested by the noble Earl in charge of the Bill?

LORD BELPER: Yes, I withdraw my own Amendment.

Amendment, by leave, withdrawn.

Amendment moved—

"In page 19, line 9, after the word 'shillings' to insert (c) In the case of a workman who has in accordance with regulations made by the Secretary of State obtained from a certifying surgeon a certificate to the effect that on account of old age or the loss of an eye, or a limb, or of any other serious physical infirmity or incapacity specified in the regulations, he is specially liable to serious accident if employed in any employment of any class specified in the certificate, and who has entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable to him under this Act, the compensation if payable is respect of an accident happening to the workman whilst employed in an employment of any such class shall not exceed that maximum, but the maximum shall not be less—(i) where death results from the injury and the workman leaves any dependants, than fifty pounds; (ii) where total or partial incapacity for work results from the injury than a weekly payment during the incapacity, of ten shillings; and)."—(Earl Beauchamp.)

On Question, Amendment agreed to.

Drafting Amendment agreed to.

*LORD AMPHILL moved an Amendment to provide that in the case of partial incapacity the weekly payment should in no case exceed, not the difference, as the schedule proposed, but half the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he was earning or was able to earn after the accident. At the risk of appearing monotonous, he must repeat once more that the only object of this Amendment was to make the Bill

consistent, and to prevent unnecessary litigation—litigation which would not be of any advantage either to the employer or to the workman. He further explained that this Amendment restored the Bill to the original form in which it was approved by the Government—to a form which was approved in principle by the late Government and by the Departmental Committee. In fact the omission of the words “one half” was made by the Standing Committee on Law. They had the weighty authority of the late Government, the present Government, and the Departmental Committee for the insertion of these words. The whole principle of the Bill was based on the “half”—the principle that one half of the loss in these cases was to be borne by the employer and one half by the workman. That was what he meant by saying that the effect of this Amendment was to make the Bill more consistent, or rather to restore the consistency of the Bill. It stood to reason that if the limit of compensation paid to a man who was totally disabled was half his earnings, when a man was only partially incapacitated he should still be compensated to the extent of only one half of his loss. To make the matter quite clear he instanced the case of two men of the same age, each earning £2 per week. One of them was permanently disabled, and received £1 per week as compensation, or one half of his wages. The other man was only partially incapacitated, and was able to earn £1 per week in spite of his disablement. Nevertheless, as the Bill stood, the second man would be able to receive the same compensation as his fellow workman—namely, £1 a week—and he would *pro tanto* be the better off. Although only partially disabled he would be getting, by way of compensation, supplemented by what he was earning, £2 per week, while his fellow workman, who was totally disabled, would only receive £1 per week. He did not see on what grounds that arrangement could be described as fair, and he must also point out that to leave the Bill as it stood was to encourage what the noble Earl in charge of the Bill had very aptly described as a tendency to delay a return to work. That, he thought,

Lord Amphil.

was a serious objection, and he hoped the noble Earl would accept the Amendment.

Amendment moved—

“In page 20, line 2, after the word ‘exceed’ to insert the word ‘one half of.’”—(*Lord Amphil.*)

EARL BEAUCHAMP said he was afraid this Amendment really sprang from what he was quite sure was not in the mind of the noble Earl who moved it, and that was some desire to fetter the discretion of the Courts. It was quite obvious, in spite of the contradiction which Lord Amphil had entered to his previous argument on that point, that if the Court was prevented from giving more than half, its discretion was to that extent fettered. Here they had the noble Lord once more asking that the Court should not give more than half. It was perfectly possible to conceive of a case where it would be just as unfair to give more than half as it would be to give less than half. The instance the noble Lord had given was perfectly obvious, and they could all think of instances in which they could introduce unfairness either on one side or the other. But the objection which he should take to the noble Lord's Amendment, on behalf of His Majesty's Government, was that the County Court Judges had really so far, administered the Act in a way which had met with the approval of all litigants, both on one side and the other, and, as they had done that in the past, he hoped their Lordships would not now feel inclined to put in any Amendment which would prevent them from continuing to carry out in the future those functions which they had exercised with so much wisdom and discretion in the past.

LORD NEWTON, in supporting the Amendment, said that the Bill had been described that afternoon by the Lord Chancellor as an “Insurance” Bill, and the noble and learned Lord had pointed out that it was desirable that it should be complicated as little as possible by legal technicalities. The object of his noble friend's Amendment was to secure simplicity, and, still more, uniformity of procedure so far as he could understand.

The noble Earl in charge of the Bill had asserted that the varying decisions of County Court Judges had met with the approval of all parties. He would like to have the opinions of the noble Lord the Chairman of the London and North Western Railway, and of his noble friend the chairman of the Great Northern Railway, on that point. He thought that if inquiry were made it would be found that a considerable variety of opinion existed as to the varying decisions given by County Court Judges upon this particular point. The principle of this Bill—and, as far as he knew, the principle of the existing Act—was that the workman's loss should be divided between himself and his employer. Under the Bill as it stood it was perfectly obvious that that loss might fall solely upon the employer, because the decision of the County Court Judge might, as had been already pointed out, amount to this—that a partially incapacitated man, who was able to earn something, might be awarded the same proportion of his earnings as a man who was incapacitated from earning anything. He knew perfectly well the sort of argument with which such an Amendment was met; but he submitted that it was in accordance with common sense, and he really thought the noble Earl might be generous enough to leave this Amendment, as he had done the last, to the decision of the Committee.

THE MARQUESS OF RIPON said that allusion had been made to a remark of his noble and learned friend the Lord Chancellor, who had expressed a desire that this Bill should be kept as clear as possible from technicalities. He confessed that he could not see any question of technicality in this matter at all. There was nothing of the kind. The proposal of the noble Lord was to place a limit upon the discretion otherwise left to the County Court Judge. His Amendment was rather the technicality, because its object was to restrict and confine the County Court Judge within the limits that he laid down. Now, as he understood, and believed to be the case, speaking generally, the Compensation of Workmen Act had been administered very satisfactorily by the County Court Judges. He did not understand that there was any charge made against them. In-

dividual County Court Judges might have made mistakes in particular cases, but on the whole he believed they had administered the law very well. Under those circumstances it seemed to him that it would be exceedingly inadvisable to place upon them a restriction of the kind proposed.

LORD ASHBOURNE was disposed to think that it was nearly always advisable, in framing legislation, to trust the tribunal—to lay down certain guiding lines, and then leave the tribunal free to apply itself to the particular case, keeping, of course, within those guiding lines. The Bill, as it stood, laid down a maximum, and said that under no circumstances was that maximum to be exceeded. That maximum was the difference between the amount the man was earning before the accident and afterwards. Then followed certain cautionary words to the effect that the amounts awarded to the workmen—

“Shall bear such relation to the amount of that difference as under the circumstances of the case may appear proper,”

showing that the maximum was not to be given as a matter of course, but that the tribunal was bound to consider how far it should be given. Under those circumstances he was inclined to think that it would be better to follow the usual rule in considering these questions, and that it would be nicer, safer, and more in accordance with the ordinary principles of administering justice, to trust the tribunal.

On Question, Amendment negatived.

Drafting Amendments agreed to.

LORD CLIFFORD OF CHUDLEIGH, in moving an Amendment to provide that reference should be made to a medical referee on the application of either party, instead of, as the Bill provided, only with the consent of both parties, said that the proposal embodied in his Amendment first came before the public in the Report of the Departmental Committee of 1904. Its subsequent history was that it was inserted in the original Bill, was approved of by the Standing Committee, and was altered

only on Report, and certainly it seemed the most natural thing that when the two parties had both consulted their medical advisers upon the question of the health of the workman, and had failed to agree, either of them should refer the matter to the referee of the County Court, and so get a speedy decision. The whole object of the clause was to give a speedy reference in which this dispute, which was not one of law, but one purely of medical fact, should be settled. But as the schedule stood at present it required the consent, not of one of the parties but of both, to refer the matter to the referee, and that certainly appeared to him to be the most extraordinary form of reference he had ever heard of. The word "referee" was suggestive rather of the football field. He did not know how the system would work on the football field, but on the cricket field it certainly would seem a most extraordinary thing that an appeal to the umpire should only be made with the consent of the batsman as well as of the field, and it seemed to him that the natural and proper method was to put the provision back into the form in which it originally stood, and allow either party to refer the matter to the medical referee of the county court, and to get a speedy decision which would prevent a danger which was very obvious—that it might be to the interest of one of the parties to keep the matter hanging on for the time that it might take to bring it before the Court, during which period he would be enabled to claim the actual amount which was practically in dispute. He begged to move the Amendment standing in his name.

Amendment moved—

"In page 22, line 3, to leave out 'both parties' and insert 'either party.'"—(*Lord Clifford of Chudleigh.*)

***LORD AMPHILL** hoped this Amendment would be accepted, and observed that his name appeared in connection with it on the Amendment Paper. The words "both parties" had a specious appearance of fairness, and he imagined—though he did not know whether it was the case—that they might have been introduced in another place when the House was not fully alive to their effect,

Lord Clifford of Chudleigh.

and where, perhaps, if he might say so without disrespect, that House was in as drowsy and unreceptive a condition as their Lordships' House occasionally fell into during very late sittings. The words had a specious appearance of fairness, but they were really most unfair. His noble friend had taken an illustration from the football field, and he would take one from the Courts of law. He would ask the noble Earl in charge of the Bill how it would work if legal proceedings might not be taken against a man, except with his consent. That was practically the principle which the Bill was introducing if the words "both parties" were left in. If those words were omitted, and the words "either party" inserted, they would restore the principle which prevailed in regard to ordinary litigation, and indeed in regard to all matters of dispute which were decided on ordinary principles of equity and common sense.

LORD NEWTON said that as his name also appeared upon the Amendment Paper, in connection with this proposal, he might be allowed to make an appeal to the noble Earl in charge of the Bill. The Amendment dealt with what had been delicately described by Earl Beauchamp as a disinclination to return to work—a disinclination which was reluctantly admitted in all quarters to exist. He only wished to point out that as it stood the clause was perfectly useless. It was quite obvious that in all cases where it would be most desirable to have the opinion of the medical referee—in cases where a man was reasonably suspected of shamming—those would be exactly the cases in which the workman would refuse to join in the application. He submitted that this was most emphatically a clear case, and he hoped that the Committee would, if necessary, divide upon the subject.

EARL BEAUCHAMP was sorry that he was not able to agree at once, or indeed at all, to the Amendment. The fact was that the Government could not regard the words "both parties" as having merely that specious air of fairness which Lord Newton had mentioned. The Government thought that the words "both parties" were really fair, and that

it was only if both parties agreed that reference should be had to the medical referee. He thought their Lordships would see that if one party was allowed to hale the other party before the medical referee, that side would have an advantage which was denied to the other.

EARL OF CAMPERDOWN: Why?

EARL BEAUCHAMP thought the Committee must see that in the event of any accident occurring, it was open to the employer to hale an injured workman against his will before the medical referee. It appeared to him that that was giving him, without any doubt at all, an advantage which there was certainly no reason for giving him, and it also seemed to him unfair, because the workman would have been already examined by his own medical man, and that ought to be sufficient. This provision had been inserted in the Bill upon the motion of one of the Members for a mining district in South Wales, and it was accepted by the Home Secretary on the ground that he considered the point to be one for the workmen themselves to decide. This was without any doubt, in his (Earl Beauchamp's) opinion, one of the points upon which the workmen felt very strongly indeed, and upon which they would be most unwilling to allow themselves to be called before the medical referee without their own consent. He could not help thinking that their Lordships would see that it did inflict, at any rate, something of a disability upon the workmen, and therefore upon those grounds he trusted their Lordships would not agree to the Amendment.

LORD ALVERSTONE thought the noble Earl had really not grappled with the case. Under the clause a workman could not be called upon to submit himself to examination except under the regulations of the Secretary of State, and when he had so submitted himself to a medical practitioner selected by himself, and when he had seen that practitioner's report, then he was to be allowed to say: "I will not allow myself to be examined by an in-

dependent man." All he could say was that if it were desired to make the clause unworkable, the best way of doing so was by putting in a provision that there should be no review of the report of the workman's own medical man. It might be supposed to be in the interest of the workman, but he was sure the clause would practically be a dead letter. If there was to be a dispute and an appeal, why should there not be an appeal at the request of the party who thought himself aggrieved by the report?

LORD BELPER said he had had a very strong representation with regard to this Amendment from an official member of the Committee of 1904. The whole of the scheme, which was drawn by the Committee, and adopted by the Government, would be knocked on the head if this Amendment were not accepted. The object was purely a medical one, to get at the medical state of the workman, what his injury was at the particular time, and the report was to be brought before the referee in order that he might know what the state of the workman was, for the purpose of saving money and avoiding litigation if possible. He really thought that the words must have been inserted under some misapprehension, because they defeated the whole object of the clause. If both parties were obliged to make the application, it was clear that when there was any dispute about what the medical state of the workman was, they would not both agree. But the object was to get at the real, true state of the workman, and therefore it was extremely desirable that the Amendment should be introduced into the Bill.

*LORD SANDERSON wished to call the attention of Earl Beauchamp to the words of a paragraph a little lower down in the schedule—

"If a workman, on being required so to do, refuses to submit himself for examination by a medical referee,"

and so on. There was no sense whatever in those words if the workman had already agreed. If his consent was absolutely necessary the paragraph must have been left in by mistake.

On Question, "That the words proposed to be left out stand part of the clause," resolved in the negative.

Proposed words there inserted.

Drafting Amendments agreed to.

LORD BELPER moved to amend the provision permitting any weekly payment which had continued for not less than six months to be redeemed by the payment of a lump sum of such an amount as would, when invested, purchase an annuity. He proposed to substitute the words 'not exceeding such an amount' for 'of such an amount.' He said that as the words stood in the Bill it was perfectly clear that the amount must be a specific lump sum of a certain amount which was described as a sum, which, if invested, would purchase an annuity equal to 75 per cent. of the annual value. As far as he could see the argument, there ought to be an option to the workman and employer to agree on a lump sum even if it was not the exact sum mentioned in the schedule. For instance, in the previous paragraph it was provided that—

"Any weekly payment may be reviewed at the request either of the employer or of the workman, and such payment may be ended, diminished, or increased."

It was clear, therefore, that where a weekly payment was being made there might be circumstances which would suggest that that weekly payment should be made at a particular time; and in the same way, where a lump sum was agreed to be put in place of that weekly payment it would have been thought that an option would have been given for the parties to agree if they thought it desirable so to do. He understood that in the past there had been hardly any settlement of a compulsory character, but there had been an immense number of voluntary settlements, and a lump sum had been agreed to by both parties. His Amendment, therefore, proposed a lump sum not exceeding such an amount. It did not say that that should not be the amount fixed as the maximum, but that in a case where the parties wished to agree together they should agree for a lump sum. He would point out that it was just as much in the interest of the workman as of the employer.

Amendment moved—

"In page 22, line 39, to leave out the third 'of' and insert 'not exceeding.'"—(*Lord Belper.*)

EARL BEAUCHAMP explained that the object of the clause in the schedule was that if the workman wished to commute for a lump sum, the lump sum must be sufficient to purchase a Post Office annuity equal to 75 per cent. of the annual value of the weekly payment. The result of the noble Lord's Amendment would be altogether to alter the intention of the clause, making it not a fixed sum but a maximum sum.

LORD BELPER: It would give an opportunity for the sum to be a less sum.

EARL BEAUCHAMP said that was so, but the view of His Majesty's Government was that commutation was not, as a rule, and as a matter of experience, a very good thing for the workmen, because lump sums were apt to be squandered in foolish ways, and therefore it was not thought desirable to enable either party to commute on easy terms. In the view of His Majesty's Government it would be very much better to adhere to the clause in the schedule as it stood, and he trusted the noble Lord would not press his Amendment.

LORD CLIFFORD OF CHUDLEIGH said there was nothing in the nature of the case to assure them that the weekly payments would, under ordinary circumstances, be continued for the rest of the man's life; and therefore there might be cases in which it was questionable for what periods the weekly payments would go on. That was an element which might induce the workman to take a fixed sum down rather than to trust to the chances of the period of his disability. The argument of the noble Earl in charge of the Bill appeared to him to be, that if the weekly payments had gone on for six months they must necessarily continue for the rest of the workman's life. But that seemed to be a very large assumption.

EARL BEAUCHAMP explained what perhaps he ought to have said before,

namely, that both parties might agree for any sum they liked; but the paragraph in question only dealt with commutation against the will of the workman:

LORD BELPER: Where does it say so?

EARL BEAUCHAMP: I think that is what the noble Lord will find:

LORD BELPER said he should like to have that made clear, because that was the very point his Amendment was addressed to. If the parties could agree for a less sum, then the workmen would not suffer, because no application could be made. He understood that in the past there had been enormous numbers of agreements, but very few compulsory settlements. With regard to the argument used by the noble Lord in charge of the Bill, that the money was sure to be squandered at once, he must point out that there were very many cases in which it might be to the interest of the workman to have a lump sum paid. He might want to set up in a business in which he could be occupied even though incapacitated from his ordinary work; and he thought it was very desirable that he should be encouraged in doing so. Unless it was made clear that a settlement could be made by agreement—as the workman himself could not apply but only the employer—there would be a great many cases in which he would not apply to have an annual payment commuted, because he might think he would have to pay too

much. He thought it was quite as much in the interest of the workman as of the employer that there should be an option of commuting for a less sum.

EARL BEAUCHAMP said he was informed that the commutation would be compulsory under those circumstances:

LORD ASHBOURNE said that until the noble Earl had stated it, such an idea had never crossed his mind as that the compulsory element would come in. If the noble Earl would look at the last two lines of his own clause, he would find this—

“Such lump sum may be ordered by the committee or the arbitrator or judge of the county court to be invested or otherwise applied for the benefit of the person entitled thereto.”

It was not treated as being a matter entirely for the benefit of the workman. The workman might desire to have a lump sum in order to pay for the emigration of his children, or to emigrate himself, or to go into business, or for many other objects; and therefore power was given to the arbitrator or other authority to invest the money “for the benefit of the person entitled thereto.”

LORD STALBRIDGE said he could assure the noble Earl that this was very often done by agreement, and many such cases had come within his own experience.

On Question, “That the word ‘of’ stand part of the clause,” their Lordships divided:—Contents, 22; Not-Contents, 37.

CONTENTS.

Crewe, E. (<i>L. President.</i>)	Castletown, L.	Glantawe, L.
Ripon, M. (<i>L. Privy Seal.</i>)	Colebrooke, L.	Granard, L. (<i>E. Granard.</i>)
	Courtney of Penwith, L.	[<i>Teller.</i>]
	Denman, L. [<i>Teller.</i>]	Hamilton of Dalzell, L.
Beauchamp, E.	Elgin, L. (<i>E. Elgin and Kin-</i>	Overtoun, L.
Carrington, E.	<i>cardine.</i>)	Pirrie, L.
Craven, E.	Emly, L.	Sanderson, L.
Portsmouth, E.	Farrer, L.	Sandhurst, L.
	Fitzmaurice, L.	Tweedmouth, L.

NOT-CONTENTS.

Northumberland, D.	Denbigh, E.	Scarbrough, E.
Wellington, D.	Devon, E.	Waldegrave, E. [<i>Teller.</i>]
Salisbury, M.	Doncaster, E. (<i>D. Buccleuch</i>	Churchill, V. [<i>Teller.</i>]
	<i>and Queensbury.</i>)	Falkland, V.
Camperdown, E.	Lytton, E.	Halifax, V.
Dartrey, E.	Onslow, E.	St. Aldwyn, V.
	Plymouth, E.	

Abinger, L.
 Allerton, L.
 Amptill, L.
 Ashbourne, L.
 Balfour, L.
 Balinhard, L. (*E. Southesk*).
 Barrymore, L.

Belper, L.
 Clifford of Chudleigh, L.
 Clinton, L.
 Clonbrock, L.
 De Mauley, L.
 Forester, L.
 Newton, L.

Ramsay, L. (*E. Dalhousie*).
 Ravensworth, L.
 Saltoun, L.
 Seaton, L.
 Stalbridge, L.
 Zouche of Haryngworth, L.

Proposed words there inserted.

LORD BELPER said that his next Amendment was really a drafting Amendment, and followed as a matter of course on the Division which had just been taken.

Amendment moved—

“In page 22, line 44, after ‘settled,’ to insert ‘in default of agreement.’”—(*Lord Belper*.)

EARL BEAUCHAMP said the noble Lord was quite right, it was a consequential Amendment.

On Question, Amendment agreed to.

Schedule, as amended, agreed to.

Bill, as amended, reported to the House.

Standing Committee negatived; the Report of Amendments to be received To-morrow, and Bill to be printed as amended. (No. 253.)

NOTICE OF ACCIDENTS BILL.

House in Committee (according to order).

EARL BEAUCHAMP, in moving to go into Committee, said that he had two Amendments, but they were not upon the Notice Paper. He preferred before moving them that they should be printed on the Paper, and perhaps he might be allowed to move them on the Report Stage, in order that their Lordships might have an opportunity of seeing them beforehand.

Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a to-morrow.

LAND TAX COMMISSIONERS BILL.

House in Committee (according to order).

Clause 1:—

THE MARQUESS OF RIPON: My Lords, the object of the Amendment of which I have given notice is this. If your Lordships will look at Clause 1, line 19, you will see that it is directed that notice shall be given to each Commissioner of all meetings of the Commission. It is supposed that as the clause has been drafted that would mean that notice shall be given to every Commissioner in Great Britain and Ireland of every meeting of these local persons. That would be exceedingly inconvenient, and I was last night requested by the Treasury to give notice of the Amendment which I have placed upon the Paper. However, the Treasury have thought better of their Amendment, and they now send me some other words. I quite agree with my noble friend (Earl Beauchamp) who has just said that he does not like moving Amendments which are not in print. But as the matter is so very small a one, perhaps the House will allow me to raise the other Amendment, which I think is preferable, because I think it really carries out the object which the Treasury have in view. What I propose is this—in line 19, Clause 1, after “commissioners” to insert “of the county shire or place for which he acts.” That is the object—that the local Commissioner shall have the information, and not the whole of the British public, and perhaps your Lordships will, in the present circumstances, allow me to insert that Amendment, although I have not laid it upon the Table.

Amendment moved—

“In line 19, after ‘commissioners’ to insert ‘of the county, shire, or place for which he acts.’”—(*The Marquess of Ripon*.)

On Question, Amendment agreed to.

Clause 1, as amended, agreed to.

Clauses 2, 3, and 4, agreed to.

Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended), Amendment reported.

THE MARQUESS OF RIPON: My Lords, the Bill is of such a character that I think your Lordships will allow me to carry it without further trouble.

Bill read 3^a, with the Amendment, and passed, and returned to the Commons.

CENSUS OF PRODUCTION BILL.

Order of the Day for Second Reading read.

*THE EARL OF GRANARD: My Lords, in moving the Second Reading of this Bill, I may state that the Bill is of quite a non-contentious character. Its object is really to obtain statistics of our home production. At the present moment, we have no idea whatever of what is going on with regard to our home trade. As your Lordships are aware, very ample statistics are published regarding the exports and imports of this country, but that is not the case with regard to the home trade. In America since the year 1850 such statistics have been published and in some States, such as Massachusetts, statistics of the kind now asked for have been issued from an even earlier date. It is not intended to make the inquiry anything like as inquisitorial in this country as is the case in the United States. It is intended to leave out any detail not absolutely necessary for the purpose of the Return, and as regards the schedule which it is intended to draw up we intend to invite representatives of the various trades to come to the Board of Trade before the schedule is actually decided on in order that they may be asked whether they agree to the proposed form or not, and if there is anything to which they do not agree, the Board of Trade will do its best to change it in such a way as to meet the views of the traders. As your Lordships will see, Section 6 makes it quite impossible that the business transactions of any particular firm should be in any way

divulged, and it will be impossible to identify the particular profit or gain of any given firm. The Board of Trade have consulted the representatives of all the trades concerned, and they have come to an agreement on the form of this Bill. I may say that this Bill as presented to your Lordships' House is entirely an agreed Bill, and for these reasons I sincerely trust that your Lordships will be good enough to give it a Second Reading.

Moved, "That the Bill be now read 2^a."—(*The Earl of Granard.*)

THE MARQUESS OF SALISBURY:

This Bill is undoubtedly a non-contentious measure, and is indeed a very remarkable Bill, because it is about the only measure upon which all Members of this House, who hold all sorts of opinions on the fiscal question, can cordially join hands. It is undoubtedly an important Bill, and I sincerely hope your Lordships will pass it into law. The noble Lord, in moving the Second Reading, has implied that unless carefully administered, the Bill might be open to the charge of being of an inquisitorial character. That undoubtedly is the fact, and perhaps the clause which one views with the least satisfaction is the Rules clause, under which the Board of Trade have very wide powers for making regulations for carrying the Bill into effect. But I have such confidence in the discretion of the Board of Trade that I am convinced they will not use the powers under that clause in other than a proper manner. It would perhaps have been a better arrangement if the Rules provided under that clause had not been merely laid before Parliament, but laid before Parliament for a definite period in order that either House might have an opportunity of exercising some control over them. I am sorry to say that in my experience of Parliamentary life a mere direction to lay Rules before Parliament does not amount to very much. There is a process, with which I think the Under-Secretary of State for War is not unfamiliar, of laying things "in dummy" and when things are laid "in dummy" they sometimes do not arrive at a more perfect condition until very

shortly before the Rules are put into force. That is undoubtedly a great abuse, and I should like to ask the noble Earl who represents the Board of Trade so admirably in this House whether, at any rate, the first Regulations cannot be laid upon the table for a sufficient period to give Parliament a real control over them before they are brought into force. If we can have an assurance of that kind, it will not be my painful duty to move any Amendment upon the clause.

*THE EARL OF GRANARD: I think I can give that assurance. There will be no objection to lay Papers on the Table a sufficient time beforehand to allow of ample opportunity for discussion in both Houses of Parliament before any further census after the present one is taken.

THE MARQUESS OF SALISBURY: I am very much obliged to the noble Earl.

On Question, Motion agreed to.

Read 2^a accordingly, and committed to a Committee of the Whole House on Thursday next.

EXPIRING LAWS CONTINUANCE BILL.

Order of the Day for Second Reading read.

EARL BEAUCHAMP: I beg to move the Second Reading of the Expiring Laws Continuance Bill. This is a matter of ordinary administration—it is an Act which has to be brought in every year.

Moved, “That the Bill be now read 2^a.”—(*Earl Beauchamp*.)

LORD CLONBROCK: I beg leave to refer to a rather remarkable omission from the list of Acts contained in the schedule—that is to say, the Peace Preservation (Ireland) Act, 1881, commonly called the Arms Act. This Act does not interfere with or annoy any

law-abiding person in Ireland. In the first place, it is only brought into operation by the Lord-Lieutenant in Council proclaiming certain districts for putting this Act in force. Further, when the Act is in force every respectable individual can easily obtain a licence to have fire-arms in his possession. I know it may be urged, as it has been urged in another place, that the state of the country as regards ordinary crime is so satisfactory that there can be no question of any special legislation. Well, this particular Act has nothing on earth to do with ordinary crime. It is directed against illegal conspiracy and outrage. Further, it may be urged that the state of the country now is very different from what it was when this Act was passed in 1881. I have too keen a recollection of the state of the country in the year 1881 to dispute that for a moment. But at the same time the country is not free from disquieting symptoms in the West. Within the last few weeks a police constable was fired at and severely wounded by an armed party which, either for the purpose of intimidation or outrage, was approaching the house of a gentleman with whom I have the honour of being acquainted. They were, as I say, an armed party. I have also heard it said that this Act was not one that would be productive of any great results, because a gun can always be found to shoot a man. No doubt that is the case, but nevertheless it is a very valuable and important Act. In case of any outrage with fire-arms it enables the authorities to trace the offender by reason of the few arms in the district, and their knowledge of the only people who have the right to possess them. Therefore it is a valuable Act, and, as it remains dormant until it is put in force, I must protest, in the name of all law-abiding people in Ireland, against its ceasing to exist, because if it is now taken off the statute book it cannot re-appear there unless it is re-enacted. If it is not wanted now it may be wanted at some future period, and why, therefore, His Majesty's Government cannot be contented to leave it dormant until it is wanted I am unable to understand. I can only protest, in the name of all law-abiding people, who look askance at anything that tends to lessen their security

The Marquess of Salisbury.

and the peace and order of the country, against its omission.

THE MARQUESS OF RIPON: His Majesty's Government have carefully considered this question in all its bearings, and they have come to the conclusion that in the present state of Ireland the renewal of this Act is not necessary, that it is not required, and that, being an Act of an exceptional character, it ought not, without necessity, to be renewed. That is very strongly my own individual opinion. I think that all these exceptional Acts may be necessary, and at times are necessary—I do not profess that they are not—in many countries; but I have always held, and I hold now, that they ought not to be continued beyond the time when the state of the country justifies their existence. They are in themselves exceptional laws, placing those who are brought under their action in an exceptional position, and I have always held that such laws, when they have ceased to be necessary, ought not to be continued. It is upon those grounds that His Majesty's Government have determined to omit this particular Act from the schedule of the Bill now before your Lordships. If the noble Lord wishes to move an Amendment to the schedule, it will of course be quite open to him to do so, and the subject can then be discussed at greater length.

LORD ASHBOURNE: I am sure that my noble friend who has drawn attention to this matter has no desire to move any Amendment, but that all he desires to do is to register his protest against this strange and unexpected omission.

THE MARQUESS OF RIPON: I have no objection at all to the noble Lord doing so.

LORD ASHBOURNE: Quite so, but the noble Marquess says that such a law,

which is merely an Arms Act, should not be continued unless there are exceptional circumstances in the country to justify it. I take it that that is a good and sufficient statement for an executive action which I am not disposed to question, but surely it is a very grave thing to suspend an Arms Act which has been put in operation by the present Government, as anyone can see in the Irish Gazette, within the last three months. That being so, it is a serious thing for them to arrive at the conclusion that the state of every part of Ireland now is such as to justify the withdrawal of this very important law, which works quite moderately and does no harm to anybody. My noble friend (Lord Clonbrock) speaks with very great authority and knowledge of the west of Ireland, being a local proprietor who resides in the County Galway, of which county he is Lord-Lieutenant, and anyone who is acquainted with the condition of Ireland now knows that, peaceful as it may be, generally speaking, and free from all offences against the law, the state of the West of Ireland is full of cause for anxiety. The country is in a very grave state, and the most thoughtful observers think that although its present state may be serious it may become more serious still. Therefore many of them hold that it is a serious thing to select this occasion for the omission of this Act which has been in existence for a great number of years without causing any inconvenience. But I feel the force of the suggestion made by the noble Marquess who leads the House, and made incidentally also by the noble Lord who moved this Amendment—that this is a matter for executive administration, and that the Government must take the responsibility, whether grave or light, of the decision at which they have arrived. The responsibility is theirs. It must remain theirs, and they must naturally not be surprised, if it should turn out that they have been mistaken in accepting this

responsibility, if those who do not agree with them now should remind them later on of the fact.

THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): I am sure none of us can complain of the manner in which the noble and learned Lord, Lord Ashbourne, has spoken on this question. He has spoken upon it with great moderation, and in a tone which we should naturally have expected from him, remembering the high position which he has occupied in Ireland. It is perfectly true that it always is a grave matter for an executive Government to undertake a responsibility of this kind. But my right hon. friend the Irish Secretary, from his knowledge of the present state of the country, thinks he sees his way to undertake it, and as the noble and learned Lord fairly says, it is with the Government that the responsibility must rest. I should like, however, just to protest against the point of view which the noble Lord, Lord Clonbrock, seemed to take when he said that, after all, legislation of this kind need not be used, and that if not used it hurt nobody. I am not prepared to admit that. I do not think you can reasonably expect any country to sit down quietly under a system of what I might call *in terrorem* legislation, which is held in reserve, while it behaves well, and left in the cupboard, so to speak, to be pulled out if the country behaves badly. We should not like it in England, and it is not altogether surprising if they do not like it in Ireland: Perhaps I may say there is one point in connection with the matter in which it is quite possible we might ask the assistance of noble Lords later on. I refer to the Pistols Act, which is somewhat too weak, I think, in its operation. It was passed two or three years ago, I believe, at the instance of the noble Earl opposite, Lord Donoughmore, and it does not, if I am rightly informed, apply to Ireland. I think it very desirable that it should, and if,

Lord Ashbourne.

at some future time, we are able to extend that particular piece of legislation to Ireland, we shall hope for the support of noble Lords opposite.

LORD ASHBOURNE: Hope on, hope ever.

On Question, Motion agreed to.

Bill read 2^a accordingly, and committed to a Committee of the Whole House to-morrow

HOUSE OF LORDS OFFICES.

Fourth Report from the Select Committee considered (according to Order), and agreed to.

NATIONAL GALLERIES OF SCOTLAND BILL.

Brought from the Commons. Read 1^a, to be printed; and to be read 2^a to-morrow.—(*The Lord Hamilton of Dalzell.*) (No. 254.)

House adjourned at twenty minutes past Eleven o'clock till To-morrow, a quarter past Four o'clock.

HOUSE OF COMMONS.

Tuesday, 18th December, 1906.

The House met at quarter before Three of the Clock.

MR. SPEAKER'S ABSENCE.

The Clerk at the Table informed the House of the unavoidable absence of Mr. SPEAKER from this day's Sitting owing to indisposition.

Whereupon Mr. EMMOTT, the Chairman of Ways and Means, proceeded to the Table, and, after Prayers, took the

Chair as Deputy-Speaker, pursuant to the Standing Order.

PRIVATE BILL BUSINESS.

Ure Elder Fund Order Confirmation Bill [Lords]. Read the third time, and passed, without Amendment.

Ardrossan, Saltcoats, and District Tramways Order Confirmation Bill [Lords]; Dumbartonshire Tramways Order Confirmation Bill [Lords]; Dunfermline and District Tramways Order Confirmation Bill [Lords]. Considered; to be read the third time To-morrow.

PETITIONS.

EDUCATION (ENGLAND AND WALES) BILL (RELIGIOUS TEACHING).

Two Petitions from Cardiff, against alteration of Law; to lie upon the Table.

PARLIAMENTARY FRANCHISE.

Petitions for extension to women; From Cardiff (four); Derby; East Ham; and North Salford; to lie upon the Table.

RETURNS, REPORTS, ETC.

WEST HIGHLAND RAILWAY EXTENSION FROM BANAVIE TO MALLAIG.

Copy presented, of Fifth Annual Report by the Board of Trade as to the condition and working of the Banavie and Mallaig Railway, the rates and charges for traffic, and the receipts and expenditure of any company in working the railway, for the year ended 1905-6 [by Act]; to lie upon the Table, and to be printed. [No. 388.]

PAPER LAID UPON THE TABLE BY THE CLERK OF THE HOUSE.

Inquiry into Charities (Administrative

[County of Devon, Further Return relative thereto [ordered 26th July, 1905; *Mr. Griffith-Boscawen*]; to be printed. [No. 389.]

TIENDS, ETC. (SCOTLAND).

Return ordered, "Of the rental of each county and each parish in Scotland, and of the value of the tiends appertaining thereto, and the value of such portion of them as is now appropriated to the payment of stipend and communion elements, and the value of such of them as are unexhausted by such payments and which still remain available for the future-augmentation of minister's stipends. (The information to be given under the head of the respective presbyteries and synods.)"—(*Mr. McCallum*.)

ESTABLISHED CHURCH (SCOTLAND) (COMMUNICANTS).

Return ordered, "in regard to the Established Church of Scotland giving, in separate columns, the number of male and the number of female communicants on the roll in each parish in Scotland for the year 1905."—(*Mr. McCallum*.)

ECCLESIASTICAL EXPENDITURE (SCOTLAND).

Return ordered, "showing 1. As regards each *quoad omnia* and each *quoad sacra* parish in Scotland; (1) The amount of expenses incurred for the past ten years in respect of (1) beadles; (2) sextons; (3) precentors; (4) pew openers; (5) communion elements not specified in decreets of court; (2) The amount of money voluntarily contributed by congregations or by individuals for the past ten years in payment of (1), building and repairing of kirks and manse; (2) ecclesiastical furniture; (3) organs; (4) heating apparatus; (5) stained glass windows; and (6) seats purchased from own councils, trade incorporations, or others; and (3) the amount of dues received during the past ten years for proclamation of banns of marriage."—(*Mr. McCallum*.)

OCCUPIERS OF FARMS (SCOTLAND).

Return ordered, "showing in the sub-joined form the number of occupiers of farms (whether owners or tenants), in each county and parish in Scotland, with the gross rental according to the valuation roll, for the year ending at Whitsunday, 1906.

County of

Parish of

Rental.	Numbers of Persons.	Gross Rental as per Valuation Roll.
At £1 and under		
Over £1 and at or under £2		
Over £2 and at or under £3		
Over £3 and at or under £4		
Over £4 and at or under £10		
Over £10 and at or under £15		
Over £15 and at or under £20		
Over £20 and at or under £30		
Total not over £30		
Over £30 and at or under £40		
Over £40 and at or under £50		
Total over £30 and not over £50		
Over £50 and at or under £60		
Over £60 and at or under £70		
Over £70 and at or under £80		
Over £80 and at or under £90		
Over £90 and at or under £100		
Over £100 and at or under £150		
Over £150 and at or under £200		
Over £200 and at or under £300		
Over £300 and at or under £400		
Over £400 and at or under £500		
Over £500 and at or under £750		
Over £750 and at or under £1,000		
Over £1,000 and at or under £1,500		
Over £1,500 and at or under £2,000		
Over £2,000 and at or under £2,500		
Over £2,500 and at or under £3,000		
Over £3,000		
Total over £50		
Grand total		

—(Mr. Sinclair.)

QUESTIONS AND ANSWERS
CIRCULATED WITH THE VOTES.

Irish Evicted Tenants—Application of
James Gore of Rathkenny.

MR. PATRICK WHITE (Meath, N.):
To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the inspector to whom the application for reinstatement from James Gore, Mount Iress, Rathkenny, Slane, county Meath, was referred by the Estates Commissioners, has had any previous experience of such work or any commercial training

whatever; what was the date of his appointment as inspector, and by whom recommended; if the Estates Commissioners will call upon him for an explanation as to why he has not yet reported upon a farm visited by him about three months ago; and whether, considering the urgency of the evicted tenants question, will he suggest to the Commissioners the advisability of having their claims dealt with by inspectors who have some regard for business methods.

(*Answered by Mr. Bryce.*) I am informed that the inspector in question was originally appointed by the Lord-Lieutenant to the service of the Land Commission more than seven years ago, and was similarly appointed as an inspector to the Estates Commissioners when the Act of 1903 came into operation. He has thus had considerable experience, and the Estates Commissioners inform me that they have every confidence in his ability and impartiality. The Commissioners add that they deprecate personal imputations on their officials as being both unfair to the officials themselves and calculated to interfere with the proper discharge of their duties. In the particular case referred to the holding was inspected on 7th September last, and the inspector visited the evicted tenant at the same time. The delay in furnishing the report was mainly due to the fact that the inspector was in correspondence with the owner's agent with the object of procuring the reinstatement of the evicted tenant. The owner has instituted proceedings for the sale of his estate, and is not disposed to sell the evicted holding separately. Nothing, therefore, can be done in the case in the immediate future.

Assistant Clerks in the Department of the Accountant-General of the Navy.

MR. JOWETT (Bradford, W.): To ask the Secretary to the Admiralty if he will state whether there are any assistant clerks (new class) in the Department of the Accountant-General of the Navy who are engaged on the same work as, and who share similar responsibilities with, the majority of the second division clerks; and, if so, whether, seeing that owing to the recent reorganisation in this Department promotion to the second division is stopped for an indefinite period, he will say what

steps, if any, are being taken to ensure practical recognition of the service of such assistant clerks.

(*Answered by Mr. Edmund Robertson.*) The Answer to the first part of the Question is in the negative, and it is therefore not anticipated that any trouble is likely to arise.

The Collard Court-Martial.

MR. LUTTRELL (Devonshire, Tavistock): To ask the Secretary to the Admiralty whether a battleship and three cruisers were sent from Devonport to Portsmouth for the Collard court-martial in order to comply with the Admiralty regulation that in the port where a court is held the admiral's flag or captain's pennant must be flying; and, if so, whether such regulation could be altered.

(*Answered by Mr. Edmund Robertson.*) The Answer to the first part of the Question is in the affirmative. The circumstances were wholly exceptional, and the revision of the regulation in question is not considered necessary.

Percentage of Cavalry Men in Hospital.

MAJOR ANSTRUTHER-GRAY (St. Andrews Burghs): To ask the Secretary of State for War whether he can now state the percentage of men in hospital, for the last twelve months, from the cavalry regiments in England, Ireland, and Scotland respectively.

(*Answered by Mr. Secretary Haldane.*) The figures required are as follows:—

	Percentage daily sick.
England	2·8
Scotland	3·7
Ireland	4·5

Defective Postal Service in Martinstown and Glenravel, County Antrim.

MR. GLENDINNING (Antrim, N.): To ask the Postmaster-General whether his attention has been called to the defective postal service in Martinstown and in Glenravel, county Antrim; whether he is aware that although both offices are within a few minutes walk of railway stations, there is only one collection and one delivery on each week day, and no service on Sunday; that letters posted after six o'clock on Fridays

are not delivered in Belfast until Monday; and that letters from England or Scotland, if they arrive in Belfast or Ballymena after the despatch of the morning mail, are delayed for a day; and whether, as there is no telegraph office within eight miles, he will give instructions to have a morning despatch, an evening delivery, and a Sunday mail in addition to the present service.

(*Answered by Mr. Sydney Buxton.*) The postal service at Martinstown and Glenravel is correctly described by the hon. Member; but it appears, from the latest information available, that the cost of the service is already high as compared with the amount of correspondence. I have, however, directed further inquiry to be made, with the view of ascertaining whether it is practicable in any way to meet the hon. Member's wishes. I will communicate the result to him in due course.

Altering Closing Hours of Irish Post Offices.

MR. DELANY (Queen's County, Ossory): To ask the Postmaster-General if he will state the number of offices in Ireland affected by the change of closing hours from 10 p.m. to 8 p.m., and the number of officials affected thereby.

(*Answered by Mr. Sydney Buxton.*) The offices in Ireland at which the hour of closing to the public has been changed from 10 p.m. to 8 p.m. are six in number. The attendance of twenty-two officers was affected by the change.

Sunday Delivery of Letters at Ballyduff, County Kerry.

MR. FLAVIN (Kerry, N.): To ask the Postmaster-General whether he is aware that public inconvenience and loss is caused to the fishing and butter industry by the want of a Sunday delivery of letters at Ballyduff, North Kerry; and whether he will accede to the request of the people by granting a Sunday delivery of letters at Ballyduff.

(*Answered by Mr. Sydney Buxton.*) I am sorry to find that the cost of the existing service to Ballyduff is so high that I should not be justified, under existing conditions, in establishing a Sunday delivery there at the public expense.

Overcrowding of the Telegraph School at the Central Telegraph Office.

SIR J. BETHELL (Essex, Romford): To ask the Postmaster-General whether he is aware that the telegraph school at the Central Telegraph Office is greatly overcrowded, and that repeated complaints have been made by those responsible for teaching the male and female learners; whether the chief medical officer has inspected this part of the building since these complaints have been made; whether his Report can be made known; and whether he can state when the necessary alterations will take place.

(*Answered by Mr. Sydney Buxton.*) The large room formerly allocated to the learners' school was only partly occupied. In August last the urgency of demands for space necessitated the use of the room for other purposes, and the school was removed to one of the instrument galleries; but it was found that at a certain hour in the afternoon the space there was somewhat overcrowded. The medical officer inspected the school in August, and again recently, and was of opinion that measures for relief were necessary. Temporary relief was afforded, and arrangements for further relief are about to be carried out. No formal complaints have been made by the teaching staff. The sick absence of the learners is below the normal.

Postal Pensions—Established and Unestablished Service.

MR. JAMES O'CONNOR (Wicklow, W.): To ask the Postmaster-General whether a pension would be granted to an officer who had served twenty-two years in an unestablished capacity, followed by four years established service, or whether it would be held that he was only entitled to a gratuity.

(*Answered by Mr. Sydney Buxton.*) If the hon. Member will furnish me with particulars of the case to which he refers I will inform him what the position of the officer in question is as regards a pension.

Battleships under Repair.

MR. BELLAIRS (Lynn Regis): To ask the Secretary to the Admiralty whether the time under repair given for different ships in Return No. 319 (Casualties to Ships on the Navy List) is

taken from the date of the accident or the date on which repairs are actually commenced.

(*Answered by Mr. Edmund Robertson.*)

The time under repair is taken from the date on which repairs are actually commenced.

Fires in Irish National Schools.

CAPTAIN CRAIG (Down, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether, in view of the scarcity of turf in certain school areas in Ireland, and the distance many children have to walk over mountainous roads in inclement weather to attend school in the winter season, he will place on the Estimates a sum of £24,000 to provide fires in all Irish national schools.

(*Answered by Mr. Bryce.*) The Commissioners of National Education have submitted proposals on this subject, and these are now under consideration.

Increase of Salaries for Irish National School Teachers.

MR. MOONEY (Newry): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he has received a resolution from the Newry national teachers urging that there should be an all-round increase of 50 per cent. in the salaries of Irish national teachers; whether an increase of 50 per cent. would put the salaries of Irish national teachers on an equality with those paid to English and Scottish teachers; whether he has received recommendations from the Commissioners of National Education on the same subject; and can he state whether these recommendations have been sanctioned by the Treasury.

(*Answered by Mr. Bryce.*) I have received the resolution referred to, as also a number of other resolutions making various suggestions as to the salaries of teachers. All of these will receive due consideration. The Commissioners of National Education have submitted proposals which would have the effect of improving the position of teachers, and the matter is now under consideration.

Irish Land Cases.

MR. VINCENT KENNEDY (Cavan, W.): To ask the Chief Secretary to the

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Lord-Lieutenant of Ireland whether his attention has been drawn to judgments delivered in Dublin on Monday last on nine appeal land cases from county Cavan; whether he is aware that five cases were confirmed, and in four cases rents were raised; did an assessor visit the lands in these cases; did the same assessor act in the nine cases; and, if so, what was his name, and do these decisions which bind the parties for fifteen years show a reduction equal to the average reduction obtaining in like cases in other and similar parts of Ireland.

(*Answered by Mr. Bryce.*) The Land Commission inform me that the facts are as stated in the earlier part of the Question. An assessor visited the lands in each case. Two assessors acted in the nine cases, one in five cases, and the other in four cases. The assessor in each case sits in open Court, and the parties to the case are therefore aware of the composition of the tribunal by which the case is decided. The Land Commission inform me that they do not think it right, in reply to Parliamentary Questions, to discuss the effect of the judicial decisions. They are required by statute to fix the judicial rent in each case, having regard to the interest of the landlord and tenant, respectively, and after considering all the circumstances of the case, holding, and district.

Purchase of Holding by Patrick Deegan.

MR. DELANY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether an inspector from the Estates Commission named Booth on the 28th November last, called upon Mrs. Molloy, a sub-tenant to Patrick Deegan, Garroon, Mountmellick, on the estate of the Earl of Drogheda, and, accompanied by the agent and bailiff of the estate, attempted to force Mrs. Molloy to sign an agreement and pay Deegan £5 for the privilege of being allowed to purchase; and seeing that sub-tenants are entitled to purchase, under the Act of 1903, will he take steps to protect Mrs. Molloy from being compelled by this official of the Land Commission into contracting unfair terms of purchase.

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that their inspector did not in any way attempt to

compel Mrs. Molloy, the sub-tenant, to purchase, but he did suggest that, as Patrick Deegan had paid more than £100 for the interest in the farm, it would be reasonable that he should receive something for his interest in the portion occupied by Mrs. Molloy, if she should purchase under Section 15; and he mentioned £5 as the possible redemption value of the intervening interest, and advised Mrs. Molloy to consult her solicitor before deciding what to do.

Increased Pay for Irish School Teachers on Removal to Larger Schools.

MR. MURPHY (Kerry, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether under present regulations any special consideration with regard to increments and promotion can be granted by the Commissioners of National Education to teachers who are removed from small to large and important schools.

(Answered by Mr. Bryce.) The Commissioners of National Education inform me that under Rule 112 (e) assistant teachers who may be promoted to principalships of large and important schools receive special consideration when their salaries as principals are being fixed. The Commissioners have submitted proposals for extending special consideration to the cases of teachers generally who may be transferred from small to large and important schools, and the matter is now under consideration.

Disease of Hoose in Calves in West Clare.

MR. HALPIN (Clare, W.): To ask the hon. Member for South Somerset as representing the President of the Board of Agriculture, whether, in view of the number of calves that have died from the disease of hoose in West Clare, he will give instructions to the agricultural instructor of West Clare to show the small farmers in his circuit, who are unable to pay a veterinary surgeon, how to perform the intertracheal injection for hoose in calves, which is so rife in the district owing to the wet soil and humidity of the climate.

(Answered by Mr. Bryce.) My hon. friend has asked me to answer this Question, which concerns the Department

of Agriculture in Ireland. The agricultural instructors are not qualified to give demonstrations in intertracheal injections; such operations should only be undertaken by a veterinary surgeon. The methods of prevention of hoose are set forth in the Department's leaflet, No. 44, a copy of which I have sent to the hon. Member. The Department consider that the treatment described in that leaflet is more efficacious than the operation mentioned.

Value of Admiralty Contracts.

MR. BELLAIRS: To ask the Secretary to the Admiralty whether he can state the total value of the contracts placed in connection with the large cruisers "Indomitable," "Inflexible," and "Invincible," laid down this year in private yards.

(Answered by Mr. Edmund Robertson.) The total value of the main contracts were as follows:—

	£	s.	d.
Inflexible	1,224,808	0	0
Invincible	1,253,348	13	4
Indomitable	1,248,072	5	0

These figures do not include cost of gun mountings or armament, contracts for which were placed separately.

Appointment of Irish Assistant Teachers—Knowledge of the Irish Language.

MR. THOMAS O'DONNELL (Kerry, W.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that an assistant teacher was appointed since the 1st of July last in each of the following schools in Irish-speaking districts in the county of Galway: Selerna Boys, Selerna Girls, Spiddal Girls, Claregalway Girls, and Lackagh Boys, and that the teachers who were appointed had not the requisite oral knowledge of Irish referred to in the note to Rule of Commissioners re Regulations; if so, will he explain why the appointments were sanctioned in contravention of the rule; whether any applications were received from candidates who had the necessary knowledge; and, if not, what steps those responsible for the administration of primary education in Ireland intend to take to meet the demand for the services of suitable teachers for Irish-speaking localities.

(Answered by Mr. Bryce.) The Commissioners of National Education inform me that all the appointments mentioned in the Question were made before 12th September, 1906, when the code for 1906-7, containing the footnote alluded to, was issued to the managers of national schools. These appointments were all made by the local managers, and the Commissioners have no information as to whether any applications were submitted for the positions by candidates possessing an oral knowledge of Irish. As regards the last portion of the Question, the Commissioners include Irish as an optional subject in the programme for admission to training colleges. In most of the colleges provision is made for the teaching of the Irish language. Prizes are awarded annually by the Commissioners to encourage the study of the language in the colleges, and facilities are afforded to teachers for attending

courses of instruction in the special Irish colleges.

MR. THOMAS O'DONNELL: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will state the number of students summoned to each training college for national teachers in Ireland in the year beginning September, 1906; the number of those so summoned in the various grades; the number in each college who, before entering, took Irish as an optional subject; the colleges that place Irish as an obligatory subject to qualify for entrance, and the colleges that place it as an optional subject.

(Answered by Mr. Bryce.) The Commissioners of National Education have furnished me with the following statement, which gives the particulars asked for so far as they know them:—

Training Colleges.	Number of new Students summoned in the year beginning September 1906.	Number of those who rank in the Third Grade (the highest grade in which any of them was recognised).	Number of said Students who before entering took Irish as an optional subject.
Marlborough Street - - -	171	142	5
St. Patrick's, Drumcondra -	96	67	29
Our Lady of Mercy, Blackrock -	133	80	27
Church of Ireland, Kildare Place	70	24	Nil
De la Salle, Waterford - -	99	25	44
St. Mary's, Belfast - - -	57	43	25
Mary Immaculate, Limerick -	49	27	18

As the authorities of each college arrange their own terms of admission, the Commissioners have no knowledge of the colleges under local management that place Irish as an obligatory subject to qualify for entrance. In the Marlborough Street Training College, which is under the Commissioners' management, Irish is placed as an optional subject.

Irish National Education Board— Suggested Committee of Inquiry.

MR. THOMAS O'DONNELL: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether, considering the general dissatisfaction given in Ireland to teachers and people by the Board of National Education, he would appoint a small committee to inquire into their work, policy, and constitution.

(*Answered by Mr. Bryce.*) Several inquiries by commissions and committees are already in progress in Ireland, and I am not sure that it would be desirable to add to their number at present. The whole subject of education in Ireland, and of the authorities responsible for it, engages my unremitting attention, and any such legislative reforms as may be needed do not seem to me matters in which the judgment of any committee would be recognised as authoritative.

Arrest of Canadian Sealers by Uruguayan Government.

MR. MITCHELL-THOMSON (Lanarkshire, N.W.): To ask the Secretary of State for Foreign Affairs whether he can now give information as to the fate of the master and crew of the "Alice Gertrude," who were arrested by the Uruguayan Government on a charge of illegal sealing.

(*Answered by Secretary Sir Edward Grey.*) His Majesty's Minister at Montevideo reported on the third instant that he had obtained the release of the Canadian sealers on their own bail.

Decline in the Fijian Population.

SIR CHARLES DILKE (Gloucestershire, Forest of Dean): To ask the Under-Secretary of State for the Colonies whether the attention of the Colonial Office has recently been called to the continued decline in the Fijian population of Fiji, and to the high death rate among that portion of the population of the Colony; and whether he can state what fresh steps it is proposed to take to prevent the Natives, whose interest was alleged as a reason for annexation, being replaced by other Polynesian and by Indian immigrant labourers.

(*Answered by Mr. Churchill.*) The hon. Member will have seen from the Fiji Report for 1905, published last month, that the decline in the Native population has been checked, that year showing for the first time a slight increase. The death rate last year, though still considerable, was lower than for some years past. I am not aware that the past decline in the native population has been in any way accelerated by the introduc-

tion of other Polynesian or Indian immigrants.

Postal Employees Organisations.

MR. DU CROS (Hastings): To ask the Postmaster-General whether the instruction issued in the Post Office Circular, No. 1702, on 13th February, 1906, stating that memorials or appeals may be addressed to him either direct or through the postmaster or head of a department by the secretaries of any of the postal associations, is still in force; if branch secretaries of the various organisations are still at liberty to make representations relating to the service and affecting their class to postmasters and surveyors; whether the secretary of a branch of a postal organisation is liable to censure for addressing memorials to his surveyor and submitting them through his postmaster; and if a higher official is permitted to inform the secretary of a branch of a postal association that he would get himself into trouble for addressing memorials to his surveyor, even if submitted through his postmaster.

(*Answered by Mr. Sydney Buxton.*) The instructions issued in the circular referred to are most certainly still in force. Branch secretaries of associations of Post Office servants are at liberty to make representations relating to the service and affecting the class of which the branch is representative to the postmaster or head of the department. If the hon. Member will furnish me with information about the particular case to which the remainder of his Question appears to refer, I will inquire into it.

Post Office Factory—Trade Union Wages.

MR. STEADMAN (Finsbury, Central): To ask the Postmaster-General whether he is aware that, of fourteen men who are employed in D block, General Factory, Mount Pleasant, and are engaged on the ordinary trade wood-working machinery, only two are receiving the proper rate of wages, the remainder being much below the usual rate; and whether he proposes to take any action in the matter.

(*Answered by Mr. Sydney Buxton.*) The factory staff, both skilled and unskilled,

have been heard before the Select Committee on Post Office Servants, and pending the Report of that Committee, I must postpone consideration of the matter.

Second Delivery of Letters at Glenarm.

MR. O'NEILL (Antrim, Mid.) To ask the Postmaster-General if he can now state when a second delivery of letters will be established at Glenarm, in the county of Antrim, in accordance with the general desire of the inhabitants.

(*Answered by Mr. Sydney Buxton.*): I will send the hon. Member an Answer on this subject as soon as possible.

Regulations Under the Fertiliser and Feeding Stuffs Act.

MR. BRODIE (Surrey, Reigate): To ask the hon. Member for South Somerset as representing the President of the Board of Agriculture whether in view of the fact that The Fertilisers and Feeding Stuffs Act, 1906, will be in force in a few weeks time, the Board of Agriculture, if they have not already done so, will will take immediate steps to frame regulations, as they are empowered to do, as to the manner in which the analyses under the Act should be made.

MR. BRODIE: To ask the hon. Member for South Somerset as representing the President of the Board of Agriculture, whether the Board of Agriculture realise that it is possible in many cases, for instance under sampling regulations, Section 6, sub-section 1 (iv), for the analyst to obtain the full amount of nitrogen or none, and that there are various ways, well known to experts, by which an analyst can, within limits, obtain any result he desires or thinks desirable unless he is directed to a well-defined and universal procedure; and if so, whether the Board will take steps to secure uniformity of procedure in regard to analyses throughout the country.

(*Answered by Sir Edward Strachey.*) Perhaps I may be allowed to answer these two Questions together. There is much to be said in favour of the

issue of regulations having for their object the securing uniformity in the methods of analysis, and the matter is now receiving careful consideration. With regard to my hon. friend's second Question I can only say that no regulations can ensure satisfactory results if the analyst is intent on fraud, and that in every case of chemical analysis the honesty and capacity of the analyst must be assumed unless the contrary is proved.

Wearing of Uniform by Customs Officers.

MR. FLAVIN: To ask the Secretary to the Treasury whether the duties of officers in Customs and Excise bonded warehouses are identical and governed by a common code of regulations; and if so, will he state why the wearing of uniform by officers in Customs warehouses is considered necessary in the public interest, whereas it is not so considered in the case of officers in Excise warehouses; and whether he will consider the advisability of abolishing the wearing of uniform by surveyors and examining officers of Customs.

(*Answered by Mr. McKenna.*) I understand that the duties of Customs and of Excise officers in bonded warehouses are governed by a common code of regulations, but are only identical in so far as the business of the warehouse is of a similar character. Customs officers, unlike officers of Excise, are required in the ordinary course of their duty to examine goods on open wharves and quays, on board vessels, in transit or other sheds, and in baggage warehouses, as well as in bonded warehouses; and in the opinion of the Board of Customs, this wide range of employment renders it necessary in the public interest that their officers when employed in the performance of these duties should wear a uniform, which at once establishes their identity as persons authorised by the Crown to examine merchandise and private property for revenue purposes. They inform me, therefore, that they cannot recommend the abolition of the wearing of uniform by surveyors and examining officers. I learn, moreover, that the Board of Customs recently received a deputation of their officers on the subject of uniform, and, after fully

considering the matter, decided that it was not advisable to make any change in the regulations.

Local Train Service from the City.

MR. CARR - GOMM (Southwark, Rotherhithe): To ask the President of the Board of Trade whether in view of the discontinuance of the direct train service from the City to New Cross, via Rotherhithe and Deptford Road, and the consequent inconvenience to a crowded part of London which is lacking in any other means of communication, he will make representations with a view to having this service restored.

MR. WEDGWOOD BENN (Tower Hamlets, St. George's): To ask the President of the Board of Trade whether his attention has been called to the discontinuance of the direct service of trains from the City to Shadwell and Wapping; and whether, in view of the fact that the railway is, during the winter, the only means of communication with Wapping, he will make representations with a view to having the service re-started.

(Answered by Mr. Lloyd-George.) I have communicated with the Metropolitan and Metropolitan District Railway Companies on this matter, and am informed that the withdrawal of their steam trains upon the adoption of electric traction on their lines has necessitated the discontinuance of the through service referred to, as the joint committee of the six companies to whom the East London Railway is leased have not as yet seen their way to equip that line for electrical working. It is added, however, that arrangements have been made for a convenient interchange of traffic at the Whitechapel Station.

Aliens and Board of Trade Pilots' Certificates.

MAJOR COATES (Lewisham): To ask the President of the Board of Trade how many pilots hold certificates from the Board of Trade who are of foreign origin and allegiance; and whether he will state their several nationalities, and whether any of them hold commissions from or are in any way at the disposal of their respective Governments.

(Answered by Mr. Lloyd-George.) The Board of Trade have no power to issue

licences or certificates to pilots. They can, however, in certain circumstances, grant certificates to masters and mates enabling them to pilot their own vessels. There is one person of foreign origin and allegiance holding such a certificate granted by the Board. This officer is a Dutch subject and is master of a Dutch vessel. I cannot say whether he holds a commission from or is in any way at the disposal of the Dutch Government. The hon. Gentleman is, no doubt, aware that the Merchant Shipping Acts Amendment (No. 2) Bill contains a clause which will prevent the issue of fresh pilotage certificates to foreign subjects in the future.

Irish Land Purchase—Stone Quarries and Gravel Pits.

MR. FLAVIN: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state in whom are vested stone quarries and gravel pits where a sale takes place directly between the tenant and landlord, under the Act of 1902; and whether the tenant has the power of selling or using a quarry or gravel pit for his own or other use.

(Answered by Mr. Bryce.) This Question is one of law which, as I am informed, has not yet been the subject of judicial determination, and I could not not give an opinion upon it without much consideration.

Teachers who Completed their Training in Irish Colleges.

MR. J. P. FARRELL (Longford, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland how many teachers completed their course of training in the various training colleges in Ireland during the years 1900, 1901, 1902, 1903, 1904, 1905, and 1906; how many of those have since been employed in Ireland; how many have come to England; what is the cost of training each teacher; whether he has any official information showing that the exodus of trained teachers from Ireland is due to the rate of salaries paid in Ireland, and more especially to assistant teachers; whether it is proposed to consider the salaries of Irish teachers as a whole, and make them in some way proportionate to the importance of the work they discharge.

(Answered by Mr. Bryce.) The Commissioners of National Education inform me that the number of teachers who completed their course of training in the years mentioned are as follows:—

Training Colleges.	1900.	1901.	1902.	1903.	1904.	1905.	1906.
Marlborough Street (Dublin)	156	165	184	144	181	123	122
St. Patrick's (Drumcondra, Dublin) - - - -	103	94	99	90	103	74	61
Our Lady of Mercy (Blackrock, Dublin) - -	92	76	92	73	92	76	126
Church of Ireland (Dublin)	60	51	71	66	72	59	63
De La Salle (Waterford) -	72	77	84	73	68	59	67
St. Mary's (Belfast) - -	nil	18	77	40	63	54	53
Mary Immaculate (Limerick)	nil	nil	25	50	38	59	48
Total - - -	483	481	632	536	617	504	540

The Commissioners are unable to say with any degree of accuracy how many of these teachers have since been employed in Ireland. The latest statistics as to the number of teachers who have gone to England is contained in my reply to the Question of the hon. Member for East Cork on 25th June last.† The cost of training of each teacher depends on whether the student is a man or a woman, and whether entered for a one-year's or a two-years' course. Grants for resident King's scholars are as follows:—(a) A fixed grant of £50 for each man in training for one year, and of £100 for each man in training for two years; (b) A fixed grant of £35 for each woman in training for one year, and of £70 for each woman in training for two years; (c) In addition, a bonus of £10 for each man of the one-year's course of training, and of £20 for each man of the two-years course of training, after two years probationary service of a satisfactory character in the actual work of teaching; (d) A bonus of £7 for each woman of the one-year's course of training, and of £14 for each woman of the two-years course of training, after two years probationary

service of a satisfactory character in the actual work of teaching. In the case of non-resident students the bonus is the only cost to the State. The Commissioners have no official information as to the reasons why trained teachers leave Ireland. The question of improving the salaries of teachers is now under consideration.

New Year's Day as Holiday in Irish Government Offices.

MR. DELANY: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can explain why New Year's Day was given as a holiday in former years; if it was an irregular holiday, can he say what is meant by an irregular holiday; and whether he is aware that the denial of those privileges is one of the causes of the discontent existing amongst the staff.

(Answered by Mr. McKenna.) I regret that I have nothing to add to the Answer which I gave the hon. Member on the 14th instant.‡

Army Motor Reserve—Uniform Contracts.

MR. FIELD (Dublin, St. Patrick): To ask the Financial Secretary to the War

† See (4) *Debates*, clix., 625.

‡ See Col. 832.

Office whether he is aware that the supply of uniforms for the newly established Army Motor Reserve Corps is practically limited to one firm in London; will he say whether the War Office mention this firm only in their communications to the officers; whether he is aware that an officer who wished to give an order to a Dublin firm was unable to do so, by reason that the War Office stated that the pattern of uniform in question had not been approved, although the London firms had taken orders for supply of uniforms; and whether he will take measures to insure equal treatment to all tailoring firms who wish to tender.

(*Answered by Mr. Buchanan.*) The details of the uniform of the Army Motor Reserve were only settled on the 12th instant, and were communicated to the General Officer Commanding, London District, for the information of the officer commanding, on the following day. No mention of tailors' firms is made in this communication, and individual officers have not been addressed on the subject. The provision of uniform by officers of this body is voluntary, and they are at liberty to obtain them where they think fit.

Service with the Army and Civil Service Pensions.

CAPTAIN FABER (Hampshire, Andover): To ask the Secretary of State for War whether he can see his way to recommend that service with the Army shall count towards a qualifying time for Civil Service pension or bonus.

(*Answered by Mr. Secretary Haldane.*) This subject is at present under consideration.

New Stables at Tidworth Barracks.

CAPTAIN FABER: To ask the Secretary of State for War whether new brick stables are to be built or whether the old corrugated iron stabling from Bulford is to be moved and used for cavalry at Tidworth Barracks; whether the old stabling would, if re-erected, be weather proof and water-proof; and also when the new stabling is to be begun, and when finished.

(*Answered by Mr. Secretary Haldane.*) It is proposed to transfer serviceable hut stabling from Bulford to Tidworth as

may be required. No unserviceable hutting would be removed from Bulford. No definite dates can be given at present as regards the beginning and completion of the work.

Pay of Government Workmen at Weedon.

MR. GROVE (Northamptonshire, S.): To ask the Secretary of State for War whether, in view of the fact that the cost of living is dearer in Weedon than in London, and that the rents of workmen's cottages in Weedon have increased by 2s. to 3s. per week during the last five years, he will reconsider the adjustment of the wages of foremen and artificers employed in the Government works, so as to bring the rate of pay more into accordance with the Resolution passed by the House of Commons on 6th March, 1893.

(*Answered by Mr. Secretary Haldane.*) This matter is receiving consideration.

The Commissioner of Woods and Forests.

MR. ALDEN (Middlesex, Tottenham): To ask the Prime Minister whether he will state what are the exact powers over the Crown woodlands exercised by the Commissioners of Woods and Forests and the Board of Agriculture respectively; whether he would consider the advisability of establishing a Board of Forestry for Great Britain under the Board of Agriculture; whether he would also consider the advisability, in view of the need for new industries, of establishing a similar Board in Ireland; and what is the entire amount expended on experimental forestry areas at the present time.

(*Answered by Sir H. Campbell-Bannerman.*) The Crown woodlands are managed by the Commissioners of Woods, by whom clearing, thinning, and replanting are carried on as occasion requires. I may add for the information of my hon. friend that three large areas of woodlands have been placed under systematic silvicultural treatment, the management of one of these having been placed in the hands of a forestry instructor to the Armstrong College of Science at Newcastle, so that practical demonstrations in forestry are available for students. As regards the second part of the Question, I may point out that by sub-sections (2) and (3) of Section 2 of The Board of Agriculture

Act, 1889, the Board of Agriculture is entrusted with the promotion of the interests of forestry. The Answer given by the Board in reply to a Question of my hon. friend the Member for Denbighshire West, on 20th June last,† contains information as to the steps taken by the Board of Agriculture in carrying out this important branch of their duties. In Ireland the Department of Agriculture exercises somewhat similar powers, and if my hon. friend will refer to the Answer of my right hon. friend the Chief Secretary, of 23rd November, to a Question of the hon. Member for Wexford South,‡ he will find a brief account of the manner in which the Department are discharging their duties. I am afraid that it is impossible at short notice to state exactly what sum is devoted annually by the Commissioners of Woods and Forests to experimental forestry areas, and I am informed that in some cases it would be difficult to say whether a given area may properly be regarded as "experimental" or not.

QUESTIONS IN THE HOUSE.

Submarines and Naval Programmes.

MR. COURTHOPE (Sussex, Rye): I beg to ask the Secretary to the Admiralty whether the rapid development of submarines has caused any material alteration in the shipbuilding programmes of this or other countries with regard to the size and number of battleships and cruisers; and whether in order to secure adequate protection to the hulls of war vessels from the attack of submarines, the Admiralty will consider the advisability of offering a substantial reward for the best design offered for this purpose.

THE SECRETARY TO THE ADMIRALTY (MR. EDMUND ROBERTSON, Dundee): So far as the Admiralty are aware, the reply to the first part of the Question is in the negative; and as regards the second part, the Admiralty are fully satisfied with their own design for this purpose.

Hours of Work in His Majesty's Dockyards.

MR. BRAMSDON (Portsmouth): I beg to ask the Secretary to the Admiralty

† See (4) *Debates*, clix., 160.

‡ See (4) *Debates*, clxv., 1114.

whether the wages of workmen in His Majesty's dockyards are based on the number of hours per week they are actually engaged in work, and calculated on the rate of wages per hour of similar classes of workmen in private yards; whether by this method the workmen receive less wages per week in the dockyards than those in private yards; and whether the concession of a previous Government of the 48-hours week to men in such dockyards is no longer applicable, but the shorter hours are to be worked at a loss to the men.

MR. EDMUND ROBERTSON: The total number of hours worked per week and the hourly rate of wages for similar work in private yards are both important factors in determining the dockyard rates, but they are not the only points taken into consideration. In some cases, the total weekly wages are less than those in the private trade, where the week is five or six hours longer. The introduction of the 48-hours week has in no case resulted in a reduction from the weekly rates previously paid.

Cost of New Cruisers.

MR. BELLAIRS (Lynn Regis): I beg to ask the Secretary to the Admiralty whether he can state the total value of the contracts placed in connection with the large cruisers "Indomitable," "Inflexible," and "Invincible," laid down this year in private yards.

MR. EDMUND ROBERTSON: The total value of the main contracts were as follows: — "Inflexible," £1,224,808, "Invincible" £1,253,348 13s. 4d., "Indomitable," £1,248,072 5s. These figures do not include cost of gun mountings or armament, contracts for which were placed separately.

MR. BELLAIRS: I beg to ask the Secretary to the Admiralty why no attempt was made to secure competitive tenders in the case of the three large cruisers "Indomitable," "Inflexible," and "Invincible."

MR. EDMUND ROBERTSON: I have already told the hon. Member, in reply to a previous Question on the 11th December,† that this matter was dealt with by the late Board, and I do not feel

† See Col. 116-7.

in a position to make any statement as to the reasons which may have led to their decision.

Tradesmen and Tidworth Barracks.

MR. RENDALL (Gloucestershire, Thornbury): I beg to ask the Secretary of State for War whether he is aware that many tradesmen have settled at Ludgershall with the object of being better able to cater for the various wants of men in barracks at Tidworth; whether he is aware that whilst brigade passes into the camp have been granted to traders living as far away as Portsmouth and Swindon, the military authorities have refused passes to traders actually living and carrying on business in Ludgershall parish; and whether he will consider the advisability of giving the local ratepaying traders preference over strangers, or at least of placing them on equal terms with them; and will he express such a desire to the proper quarters.

THE SECRETARY OF STATE FOR WAR (MR. HALDANE, Haddington): Traders who live and carry on business in the neighbourhood of Tidworth barracks are invariably granted passes provided that their character is satisfactory and that there is not already a large number of passes issued to others in the same way of business. Preference is always given to local tradesmen.

Army Clothing Factory, Pimlico.

MR. T. F. RICHARDS (Wolverhampton, W.): I beg to ask the Secretary of State for War whether he received a petition last June from the cutters employed at the Army Clothing Factory at Pimlico, asking for an increase in their rate of wages equal to that paid by private contractors to their employees; and whether he can accede to that request; and, if not, what decision has he come to on the matter.

MR. HALDANE: No such petition has been received by me. I understand that certain representations were made informally as to the rate of wages of cutters in the Clothing Factory at Pimlico, but nothing definite has yet come before me for my consideration or decision.

Soldiers in Hospital.

MR. WATT (Glasgow, College): I beg to ask the Secretary of State for War if

he can now state the percentage for the last twelve months of men in hospital from the cavalry quartered in England, Scotland, and Ireland respectively.

MR. HALDANE: I would refer my hon. friend to the Answer I gave on this subject yesterday to the hon. and gallant Member for the St. Andrew's Burghs.†

The Aden Hinterland.

MR. HART-DAVIES (Hackney, N.): I beg to ask the Secretary of State for Foreign Affairs whether the British troops are to be withdrawn from Dthala in the Aden Hinterland; whether, if so, the Amir of that place will be left unsupported against Turkish aggression; and whether the Frontier Delimitation Treaty, which assigned Dthala to the British sphere of influence, has been abrogated.

THE SECRETARY OF STATE FOR INDIA (MR. MORLEY, Montrose Burghs): My hon. friend has asked me to reply to this Question. I have already stated that the permanent location of troops in the Aden Hinterland has never been sanctioned either by the late or the present Government. The withdrawal of troops from Dthala, now that the delimitation proceedings are completed, is in accordance with the statement of policy made by Lord Lansdowne in the House of Lords on the 30th March, 1903, as to the demarcation, viz., that His Majesty's Government had never desired to interfere with the internal and domestic affairs of the tribes on the British side of the boundary, but had throughout made it plain that they would not assent to the interference of any other power with those affairs. The frontier defined by the Commission and accepted by the Turkish Government, has settled all questions of the boundary between the Turkish dominions and the territory of the Amir of Dthala, and this definition constitutes a firm guarantee against Turkish aggression. The agreement with the Turkish Government has not been in any sense or degree abrogated. I should add that a Political Officer remains for the present at Dthala, and our political supervision will be exercised in such manner as may be necessary for the discharge of our obligations.

† See Col. 1242.

Indian Excise Administration.

MR. HERBERT ROBERTS (Denbighshire, W.): I beg to ask the Secretary of State for India whether he has received the views of the Government of India upon the Report of the Committee appointed to inquire into the Excise administration; and whether he is now in a position to make a statement upon this subject.

MR. MORLEY: It has been decided to publish the Report in India without waiting until the Government have reviewed it, and I will lay it on the Table of the House as soon as the necessary copies are received from India.

Indian Excise Revenue.

MR. HERBERT ROBERTS: I beg to ask the Secretary of State for India whether his attention has been drawn to the statement in the Excise Report of the Central Provinces to the effect that the revenue from country liquor during the year 1905-6 increased by 17 per cent.; whether he is aware that during the same period the Excise Revenue of the Punjab rose by Rs.413,503, the increased consumption in four districts alone amounting to over 98,000 gallons; and whether the Government of India contemplate taking immediate steps to arrest the spread of drinking habits among the people of these provinces.

MR. MORLEY: Large changes have recently been made in the excise system of the Central Provinces and the increase in Excise Revenue in 1905-06, which is correctly stated by the hon. Member, is believed to be of a temporary character and in large measure due to the unsettlement caused by the changes. These have the object of increasing the control of the Government over the liquor trade, and it is too early yet to judge the results. The increase in the Punjab both in revenue and in recorded liquor consumption, was caused by an attempt to substitute licit for illicit supplies by the sale of cheaper liquor experimentally in certain areas. A Report on the experiment is, I understand, under consideration in India, and when it reaches me, I will lay it on the Table.

Royal Scots at Bombay—Religious Services.

* SIR J. JARDINE (Roxburghshire): I beg to ask the Secretary of State for

India whether the Bishop of Bombay has refused licence to the regiment of Royal Scots, now stationed at the Colaba barracks in Bombay, to worship according to the religious solemnities of the Church of Scotland in the Government garrison church at Colaba; whether he can state if the Presbyterian soldiers in that regiment attend in parade form at any other church; what arrangements will be made for them as to churches in the hot months of the year to save them from exposure to the sun; whether the Bishop of Bombay refuses licence to Wesleyan Methodist soldiers, whether Calvinistic or Arminian, for divine service in the said Colaba garrison church; and whether these Methodist soldiers are enabled to march to any other church with their officers in military form.

MR. MORLEY: As I stated in reply to the hon. Member's Question on 28th May last,† it was arranged that parade services for the Scottish troops should be held in the garrison church at Colaba during the hot months—from May to October inclusive—while for the rest of the year it was understood that they would attend the Presbyterian Church in the fort at Bombay. So far as I am aware, this arrangement still holds good. As regards the Wesleyan Methodist soldiers, there is, I understand, a Wesleyan Church at Bombay which is attended by the soldiers stationed there. The precise arrangements have not been reported to me, and I will make inquiry as to them.

* SIR J. JARDINE asked the right hon. Gentleman whether, considering the close connection of Scotland with India, the strong religious convictions of Scotsmen and Presbyterians, and the natural feeling of a gallant regiment, he did not think this was a case in which the remedy against prelate unreason or mistake promised in 1900 by Lord George Hamilton ought to be applied, namely, pressure by the Civil Government.

MR. MORLEY replied that he must inquire further into the Question before answering that.

* MR. J. D. WHITE (Dumbartonshire): Can the right hon. Gentleman say whether

† See (4) *Debates*, clviii., 64.

it is not the fact that the church which is being thus monopolised was built and is being maintained out of public money ?

[No Answer was returned.]

Native Labour in Natal.

MR. MOLTENO (Dumfriesshire) : I beg to ask the Under-Secretary of State for the Colonies whether he can state what was the number of natives in each of the last five years who rendered compulsory labour to the Public Works Department of Natal, and what relation the wages at the rate of £1 per month and rations bear to the current rate of wages, as complaint has been made by the natives that they are compelled to work for less than half the current rate of wages.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.) : The numbers of natives employed in Public Works Department of Natal and Zululand were :—1901, 6,708 ; 1902, 6,403 ; 1903, 6,175 ; 1904, 5,677. Total number employed in all departments in 1905 was 5,382. The number employed in Public Works Department is not stated. The wages of £1 per month and rations appears to be in excess of the wages for farm labour. The information at my disposal does not enable me to say what amount of justification there may be in the alleged complaint.

Unemployment in the West Indies.

MR. SUMMERBELL (Sunderland) : I beg to ask the Under-Secretary of State for the Colonies if his attention has been called to a resolution passed at a public meeting at Port-of-Spain, in October last, to the effect that, having regard to the sufferings of the middle and lower classes of this island, and the readiness of the West Indians to labour for a reasonable wage, as is evident by their recent departure to the Isthmus of Panama, in view also of the cane-farming industry being presently sufficiently well established in this island, the Trinidad Working Men's Association in public meeting assembled protested against any further appropriation of £70,000 per annum of public money to continue the importation of East Indian indentured immigrants to this Colony to compete with the West Indian labourer, and that such practice

has tended not only to add to the Colony's commercial depression in its contribution to the impoverishment of the Colony and to be an obstacle to the relief of taxation, but was a standing menace to public peace and property in the island ; and, if so, whether he is prepared to give instructions for an inquiry into the whole of the circumstances complained of to be held, and a Report presented thereon.

MR. CHURCHILL : The attention of the Secretary of State has been drawn to the resolution in question, but he cannot admit that it accurately sets out the facts relating to East Indian immigration. It is not the case that £70,000 of public money are annually applied to the introduction of immigrants. The East Indian immigrants (the majority of whom remain in the Colony after serving their indenture) and their descendants form a large and valuable element in the population of Trinidad ; they contribute most materially to the revenue of the Colony and are in no way a menace to public peace and property. The Secretary of State is informed by the Governor that such distress as now exists in Trinidad is not among the agricultural labourers, and is not, therefore, the result of East India immigration. Lord Elgin sees no reason for ordering an inquiry to be held into the matter. The proposals which have been submitted by the Governor with a view to mitigating such distress as exists have been approved.

Ceylon Government Railway—Employees' Grievances.

MR. HUDSON (Newcastle-on-Tyne) : I beg to ask the Under-Secretary of State for the Colonies whether his attention has been called to the dissatisfaction which exists amongst the whole of the grades of the service employed in the manipulation of the traffic on the Ceylon Government Railway ; whether he is aware that the men have been for a period of two years seeking an interview with the responsible officials with a view to finding a remedy for their alleged grievances ; and whether he can give to these British subjects the right of representation through their union to settle grievances which arise in connection with their employment.

MR. CHURCHILL : The Secretary of State received a communication

last month on behalf of the locomotive engine drivers employed on the Ceylon Government Railway. As it was not sent through the Colonial Government in accordance with the standing rule it was sent out to the Governor with a request for a full and early report upon the complaints contained in it. There has not yet been time for an answer, but the matter will not be overlooked. No complaints have been received at the Colonial Office on behalf of other grades of Ceylon railway employees.

MR. HUDSON : Will the hon. Gentleman answer the last part of the Question as to the right of the representation ?

MR. CHURCHILL : That is a large question of policy of which I ought to have notice. I certainly feel that all employees on railroads should have the right of representation. Perhaps the hon. Member will see me privately.

MR. HUDSON : I shall be happy to do so.

Bagdad Railway.

MR. WEDGWOOD (Newcastle-under-Lyme) : I beg to ask the Secretary of State for Foreign Affairs if any steps have been taken to secure British control over the section of the proposed Bagdad Railway from Killis to Bagdad, as well as over the section Bagdad to Koweit.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir EDWARD GREY, Northumberland, Berwick) : The Answer is in the negative.

*MR. REES (Montgomery Boroughs) : Is there any foundation for the assumption in the last sentence of the Question that there is any British control over the Bagdad and Koweit section ?

SIR EDWARD GREY : No, Sir ; that is a German and not a British section.

Turco-Persian Frontier Zone.

MR. BOWLES (Lambeth, Norwood) : I beg to ask the Secretary of State for Foreign Affairs whether he will cause to be placed in the Library of this House a copy of the identic map of the Turco-Persian frontier zone delivered in 1869 and 1870 by the English and Russian Governments to Ottoman and Persian

Governments respectively, together with a copy of any correspondence or documents necessary to elucidate the circumstances under which it was prepared, and the purposes it was designed to serve.

SIR EDWARD GREY : This subject is now under negotiation between the Powers concerned. In these circumstances it would not be desirable to publish maps and papers, which would no doubt be of historical interest, but which relate to a frontier in which British territory is not concerned.

Whisky Transactions with the United States.

MR. YOUNGER (Ayr Burghs) : I beg to ask the Secretary of State for Foreign Affairs whether his attention has been directed to the rules and regulations for the enforcement of the Food and Drugs Act which have been issued by the United States Department of Agriculture and are to come into force on 1st January next, and to the effect such enforcement may have upon the transactions which take place in whisky between this country and the United States owing to the want of any recognised standard in this country ; and whether he can do anything to secure a suspension of such rules until the question now *sub judice* is decided.

SIR EDWARD GREY : The Answer to the first part of the hon. Member's Question is in the affirmative. His Majesty's Ambassador at Washington has been instructed to furnish a Report on the matter. On receipt of this Report, His Majesty's Government will consider what action, if any, they can take in the interests of British trade.

Mining Royalties.

MR. MARKHAM (Nottinghamshire, Mansfield) : I beg to ask Mr. Chancellor of the Exchequer whether he has sufficient information to form an opinion if mining royalties and wayleaves are fit subjects for taxation, and the annual income derived by the owners therefrom ; whether, seeing these owners contribute nothing towards local taxation, and only pay income-tax on minerals actually wrought, and nothing on the capital value of unworked minerals, and that some royalty owners refuse, owing to increasing value, to work or let their

minerals, he will consider the desirability of taxing this unearned wealth.

MR. HAROLD COX (Preston) asked whether the right hon. Gentleman's attention had been called to the Report of the Royal Commission, signed by the hon. Member for Rhondda and the right hon. Gentleman the Member for Morpeth, in which it was stated that such a system of royalties had not interfered with the general development of the mineral resources of the United Kingdom.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fifehire, E.): Yes, Sir, I am familiar with that Report. In my opinion all the necessary information for forming an opinion on this matter is available. I cannot at present make any statement as to the future, except that suggestions for new sources of revenue are always welcome to a Chancellor of the Exchequer.

MR. MARKHAM: I beg to ask the Prime Minister whether, seeing the burden placed on the coal, iron, steel, and allied trades due to wayleaves and royalties, he will, in view of the millions of persons dependent on these trades, consider the desirability of appointing a Royal Commission to report on the effect of these burdens on trade in relation to wages and foreign competition, and what taxation could be derived from these sources, seeing that no taxation is paid by mineral owners for unworked minerals, either for imperial or local purposes, though their value is continually increasing.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): As my hon. friend may be aware, a very exhaustive inquiry was recently made into the economic operation of the royalty system. The Royal Commission which undertook the inquiry reported in 1893, and, in view of the mass of information collected by it, I doubt if it is necessary or advisable to institute another inquiry.

*MR. O'GRADY (Leeds, E.): Is the right hon. Gentleman aware that the Commission of 1893 reported that in royalties and wayleaves no less than £4,000,000 annually of blackmail was

levied on the coal industry alone of this country?

MR. MARKHAM: And is the right hon. Gentleman aware that this Report does not deal with wayleaves?

SIR H. CAMPBELL-BANNERMAN said he believed the Chancellor of the Exchequer considered that he had all the information that he desired on this subject.

MR. KEIR HARDIE (Merthyr Tydvil) asked the right hon. Gentleman whether he was aware that, according to an ancient law of Scotland, these mineral royalties were the property of the State, and whether he would take steps to have that law enforced.

SIR H. CAMPBELL-BANNERMAN: I have no doubt that if it is an old Scots law it is probably a very good law.

Inspection of Docks and Wharves.

*MR. O'GRADY: I beg to ask the Secretary of State for the Home Department whether docks, wharves, and quays are registered for the purposes of inspection with reference to safety, and, if so, what means are employed for inspection; whether in view of the fact that the number of docks, wharves, and quays subject to factory inspection under Section 79 of Factory Act are 3,067, and the number of inspectors' visits totalled 2,147 only annually, steps will be taken to ensure an annual minimum number of visits to each place registered under the regulations; whether he will give authority to inspectors and staff to tabulate in classified form accidents aboard ship, quay, shed, or warehouse; whether gears and plants are dealt with by regulations and inspected, and, if so, what steps are taken to ensure periodical inspection; and whether inspectors are experienced men in ship cargo gearing and plant for discharging and loading purposes.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): Yes, docks, wharves, and quays are registered, and are inspected regularly, as part of their general work, by the factory staff. The total number of visits paid to docks other than docks forming part of factories or workshops in 1905 was 4,787, not 2,147 as

stated in the Question. Many of those unvisited in the course of the year would be small canal wharves. As I have stated more than once this session, steps have been taken by me to strengthen the staff with a view to improving still further the inspection at docks. Arrangements have already been made to classify in more detail the accidents at docks. Gear and plant are dealt with by the Home Office regulations which are enforced by the inspectors. The testing and periodical examination of chains and other gear is provided for by the regulations. Special inspectors are not appointed for docks, but the staff is carefully selected with regard to the nature of the duties they will be called upon to perform.

*MR. O'GRADY: May I point out that the figures quoted in the Question are those given by the right hon. Gentleman himself earlier in the session as the probable number of visits, but those did not include the canal wharves, a totally different thing.

MR. GLADSTONE: I will inquire into that.

MR. J. WARD (Stoke-on-Trent): Does the Answer apply to wharves in course of construction, where, of course, dangerous machinery is employed?

MR. GLADSTONE: I think so; if not, I will let the hon. Member know.

Licensing Acts.

MR. BRAMSDON (Portsmouth): I beg to ask the Secretary of State for the Home Department whether, in view of the fact that there are about forty Licensing Acts now in force, commencing from the year 1660, affecting the sale or control of intoxicating liquors, many of which contain the perplexing system of legislation by reference, and of the number of important judicial decisions thereon, and in view of the difficulty caused thereby in their construction and administration, he will promise that the new Bill to be introduced next year upon this subject shall be one of consolidation.

MR. GLADSTONE: I am fully alive to the importance of consolidating the Licensing Laws and I have been considering it for some time past. But I

cannot at present make any statement as to next year's legislation.

Labour Sweating—Colonial Remedies.

*SIR CHARLES DILKE (Gloucestershire, Forest of Dean): I beg to ask the Secretary of State for the Home Department whether, in view of recent inquiries into the sweating system, he proposes to take steps to obtain reports on the remedies which have been applied by the legislation of Colonial States, such as the Wages Board Acts of Victoria.

MR. T. L. CORBETT (Down, N.): Before that Question is answered may I ask if the right hon. Gentleman will also make inquiry as to the alleged sweating of women and young girls employed by religious institutions expelled from France, and now domiciled in England?

MR. GLADSTONE: Yes, Sir. In view of the importance of this subject and the interest of the measures taken in several of the Australasian States to deal with the evils of the sweating system, I propose sending a Commissioner to investigate and report upon the effects of the Wages Board and Compulsory Arbitration Acts in force in Australia and New Zealand. The opportunity will be taken of obtaining information at the same time on the results of the legislation to secure the earlier closing of shops which has been adopted in certain of the Australasian States. In answer to the supplementary Question, I am afraid that I cannot add anything to Answers I have already given, although I must say that it seems to me it is as far a cry to Australasia as the subject of this Question is apart from that on the Paper.

MR. T. L. CORBETT: But may I—

MR. DEPUTY-SPEAKER: The Question is not relevant.

Civil Rights of Police Officers.

*MR. O'GRADY: I beg to ask the Secretary of State for the Home Department whether the conditions of service in the police force are such as to prevent police officers from using their civil rights in all respects; whether the conditions preclude a member of the force from writing to the public Press commenting upon matters connected

with the terms of service; and, if so, will he issue an order instructing that there shall be no undue restraint upon police officers in these matters.

MR. GLADSTONE: The members of the Metropolitan Police, like other public officers, are necessarily subject to certain restrictions in the exercise of their civil rights. They cannot, for instance, sit in this House or on county or borough councils, nor can they act as directors of companies. They are also prohibited from communicating with newspapers on police matters without the consent of the Commissioner. The last is a restriction similar to that imposed on all Civil servants, and is clearly necessary in the public interest. I have no reason to think that any undue restriction is imposed.

Boston Pilots' Charges.

MR. SUMMERBELL: I beg to ask the President of the Board of Trade whether he contemplates granting an Order in Council to the Boston Pilot Trust for the purpose of reducing the regular pilotage charges of the Boston pilots; and, if so, will he permit the Pilots' Association to lay their views before him before any definite action is taken.

THE PRESIDENT OF THE BOARD OF TRADE (MR. LLOYD-GEORGE, Carnarvon Boroughs): As stated in my reply to a Question by the hon. Member for Limerick on the 14th November,[†] the Boston Pilot Commissioners have applied for an Order in Council to confirm a new by-law made by them dealing with the pilotage rates at Boston. Public notice of the application has only within the last few days been given by advertisement, and I am not in a position at present to say whether the by-law is one which it is desirable to submit to His Majesty in Council for confirmation by Order in Council. I have already received the views of the United Kingdom Pilots' Association by letter, and should they wish to discuss the matter with me personally, I shall be happy to meet them.

Railway Commissioners' Salaries.

MR. STAVELEY-HILL (Staffordshire, Kingwinsford): I beg to ask the Presi-

dent of the Board of Trade whether the Commissioners of railways and canals are paid at the rate of £100 for each day on which they sit; and whether he will state on how many days they sit in the course of a year.

MR. LLOYD-GEORGE: Each of the two appointed Railway and Canal Commissioners receive a fixed salary of £3,000 a year. The average number of days in the year on which the Court of the Railway and Canal Commission has held public sittings has been about thirty-two. The Commissioners also hold private sittings, of which there is no record. I may also refer the hon. Member to the Answer given by my right hon. friend the Chancellor of the Exchequer on the 28th ultimo, to the effect that the newly-appointed Commissioner is to give his whole time to the public service, and will be available for public work generally in addition to his ordinary duties as a member of the Commission.

Midland Railway Employees' Long Hours.

MR. HUDSON: I beg to ask the President of the Board of Trade whether his attention has been called to the long hours being worked by the drivers and firemen at the Midland Railway locomotive depot, Leeds; whether he is aware that these men are frequently working thirteen, fourteen, and fifteen hours per day because of an inadequate relief staff; and whether he will institute an inquiry into the matter with a view to securing a reduction of these long hours.

MR. LLOYD-GEORGE: Representations have been received in regard to the hours of work of the men at this depot, and inquiry is being made.

Swansea Distress Committee.

MR. KEIR HARDIE: I beg to ask the President of the Local Government Board whether his Department on 12th October refused to make a grant to the Swansea Distress Committee, and informed that body that if it anticipated that it would be requisite to provide temporary work during the forthcoming winter, it must rely upon voluntary contributions for meeting the cost, and in that case every effort should be made by means of public appeals and

[†] See (4) *Debates*, clxiv., 1493-4.

otherwise to obtain the contributions required; and, if so, whether, with a view to encourage local contributions, he is now prepared to make a grant to Swansea and other distress committees similarly circumstanced.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea): The first part of the Question appears to refer to a circular which I sent to some of the distress committees, including that for Swansea, on the 12th October last, in which I stated that on the information before me I did not propose to make any payment to them out of the grant. I have not since received any communication from the Swansea Distress Committee. The object of the grant is not that a payment should be made out of it to every distress committee, but to enable this to be done in those localities in which the need for assistance in providing or contributing to the provision of temporary work is of a clearly exceptional character. It is only where this is the case that I am prepared to consider an application for a share of the grant.

MR. KEIR HARDIE: Is the right hon. Gentleman aware that in Swansea there are 800 unemployed men on the register, that there are no local funds to deal with them, and that unless a grant is made nothing can be done for these destitute workmen?

MR. JOHN BURNS: I shall be pleased of course to receive any application from the Swansea Distress Committee, and it should not only embody the number of unemployed on the register, but indicate any useful works of public utility upon which they could be employed. I can assure the hon. Member the letter will be promptly answered.

MR. J. WARD: Has the right hon. Gentleman received any complaint from the Local Distress Committee as to the action of a contractor in the locality in advertising for men when he has no work to give them, thereby increasing the distress there?

MR. JOHN BURNS: I am sorry to hear that any contractor should have

done that. I have received no communication on the subject.

Work of Distress Committees.

MR. CLYNES (Manchester, N.E.): I beg to ask the President of the Local Government Board whether he has suggested certain lines for Distress Committees to follow in respect to finding employment, and made the carrying out of particular schemes a condition of granting a share of the £200,000; whether his Department has taken any action in cases where local authorities have not put the Unemployed Act into operation; whether he is aware of the diminished voluntary subscriptions in relief of distress due to unemployment; and whether he contemplates a more speedy distribution of the Government grant, the greater part of which is still unused.

MR. JOHN BURNS: I issued a circular to some of the Distress Committees stating the particulars which they should furnish if they desired to apply for assistance from the Grant. One of the particulars asked for was a statement of the work to be provided. The Unemployed Workmen Act required that distress committees should be appointed in certain circumstances, and appointments have been made in all such cases. I am aware that in some instances voluntary subscriptions have diminished. All applications for assistance from the Grant are dealt with as speedily as possible, and where I am satisfied that a case for assistance has been made out, a payment is made at once. We are, however, at present only in the early part of the winter, and it is important that a due amount of the Grant should be kept in hand to meet any claims that may arise during the remainder of it.

Religious Instruction Regulations.

MR. COURTHOPE (Sussex, Rye): I beg to ask the President of the Board of Education whether the syllabus of religious instruction issued by the Board of Education provides for the daily use of the Lord's Prayer; and whether in the provided schools the Lord's Prayer is usually said daily.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. BIRRELL, Bristol, N.): The functions of the Board of

Education are certainly very varied, but they do not include, I am glad to say, any duty or any power to issue any syllabus of religious instruction, this being left to the local education authority in provided schools and to the foundation managers, acting under trust, in voluntary schools. In reply to the concluding paragraph, I can only say that I have no information beyond that contained in the Parliamentary Return recently issued; but I should imagine the reply is in the affirmative.

Pelden Postal Arrangements.

MR. A. L. LEVER (Essex, Harwich): I beg to ask the Postmaster-General whether, having regard to the fact that there is not a post office with a money order or savings bank department within five miles of Pelden, Essex, he will arrange to add such to the existing post office in that village.

THE POSTMASTER-GENERAL (Mr. SYDNEY BUXTON, Tower Hamlets, Poplar): A guarantee has been given for the transaction of Money Order and Savings Bank business at the Pelden Sub-Office, and the necessary arrangements are being made.

Mount Pleasant Supernumeraries.

MR. O'GRADY: I beg to ask the Postmaster-General if he is aware that a large number of Christmas supernumeraries are being employed at Mount Pleasant and other sorting offices on night attendance, viz., 12 midnight to 8 a.m., for a wage of £1 per week; and whether, seeing that these men are paid less than sixpence per hour for all night work, he will undertake to see that they receive treatment at least equal to that given for a similar class of labour by the London County Council and other municipal bodies.

MR. SYDNEY BUXTON: I will look into the matter.

House of Commons Post Office.

MR. BRIGG (Yorkshire, W.R., Keighley): I beg to ask the First Commissioner of Works if in any changes he may make in the post office of the House he will so arrange that receptacles may be provided for such Members as desire them in which their letters may be

placed; and that such receptacles may be placed in such a position that the Members may see them from the lobby, so as to save the time of the officials in sorting over a large number of letters when a Member asks if there are any letters for him.

MR. SYDNEY BUXTON: As my hon. friend is aware, with the co-operation of the First Commissioner of Works, I have made considerable improvements in the postal arrangements of the House of Commons for the convenience of Members, both in regard to greater counter space, and also in regard to a larger and more convenient number of pigeon holes for their letters, and in other ways. There is no available space, apart from other difficulties, in which to carry out the suggestion made by my hon. friend.

Gooseberry Mildew.

MR. ROWLANDS (Kent, Dartford): I beg to ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether the Board of Agriculture has received any Reports that the instruction sent out by the Board, with a view to the prevention of gooseberry disease, have had a good effect, or whether it is deemed necessary for more definite action to be taken.

SIR EDWARD STRACHEY (Somersetshire, S.): It is too soon to say whether the recommendations issued by the Board will prove sufficient to prevent the introduction or spread of the disease. The position is being carefully watched, and if it should appear that further powers are necessary to deal with the disease, the Board will not hesitate to ask for them.

Boat Cove, Glen, County Kerry.

MR. BOLAND (Kerry, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the Congested Districts Board have endeavoured to complete the toe-end of the slip at Boat Cove, Glen, county Kerry, by using, against expert local advice, creosoted balk instead of concrete, which they had used for the rest of the slip; that, having found that the balks would not stand the high tides and gales, they have now taken the work to pieces; and whether, in view of the

fact that the fishermen of the neighbouring fishing stations have been enabled to secure catches of from 20,000 to 30,000 mackerel weekly, whilst the Boat Cove fishermen have only secured about 1,600, owing to the want of proper landing facilities, the Congested Districts Board will now use concrete for the completion of this slip.

THE CHIEF SECRETARY FOR IRELAND (Mr. BRYCE, Aberdeen, S.): I am informed that the work in question can only be executed at low spring tides. The work had been satisfactorily advanced at the recent low spring tides when an exceptionally severe gale caused the demolition of the work before the concrete part of it had time to set. The method of construction employed is, in the opinion of the Board's engineer, the only possible one. Mass concrete such as was used for the original structure would not be suitable for the extension to deeper water. No expert advice, local or otherwise, was tendered to the Board. The work will be completed, weather permitting, next spring. The extension will have the effect of allowing fishermen to haul up their boats from half-an-hour to an hour sooner than at present, in the case of low tides. In the Board's opinion, it is quite impossible that its presence or absence can materially affect the result of the fishing. It will be an occasional convenience, but nothing more.

Darcy Hilliard Estate, Limerick.

MR. LUNDON (Limerick, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he is aware that, on the Darcy Hilliard estate, in Dunkip, Manister, Croom union, county Limerick, preparations are being made by the lady who owns the estate and by the agent to let out the untenanted lands to the tenants as it may best suit their own views; and will he and the Estates Commissioners, through their inspector, put themselves in communication with the owners, so as to acquire the untenanted lands in the interest of the labourers and the poorer tenants of the estate.

MR. BRYCE: The Estates Commissioners inform me that they are considering the question of purchasing the Dunkip portion of the estate referred to, and, with a view of making an offer for purchase, have directed their inspector to

furnish a Report upon the property. If the Commissioners should acquire the property they will, when distributing the untenanted lands, pay due regard to the claims of persons in the locality.

Dunkip Untenanted Lands.

MR. LUNDON: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland, as President of the Local Government Board, why the Local Government Board inspector, Mr. Barnewall Crofton, refused to give a house and allotment on the untenanted lands of Dunkip, in the last scheme of the Croom District Council under the Labourers Act, to Patrick Maguire, Abbeyville electoral division, considering that this man has no claim to the house in which he and his mother live, with no other alternative to getting the house but emigration to America.

MR. BRYCE: The Local Government Board's inspector found that there was no necessity for the cottage applied for on behalf of Patrick Maguire. The house in which Maguire has been living for the past seven years was not medically condemned as unfit for human habitation, and no complaint as to its unfitness was made. No suggestion was made at the inquiry that the applicant would have to emigrate if he should not obtain the cottage applied for; on the contrary, the applicant gave evidence that there was plenty of work for him in the locality, and that his mother also obtained employment.

MR. LUNDON: The man has had to get the loan of a house from a charitable lady. He could get no other although he had work in the locality.

Official Appointments in Ireland.

MR. BRIGG: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will authorise, as far as possible, the employment of natives of Ireland in official positions in that country instead of strangers.

MR. BRYCE: I am quite in sympathy with my hon. friend's evident desire that Irishmen should have full opportunities of finding a career in their own country. But if, for example, a Yorkshireman should be found to be the most fitting candidate for a certain post in Ireland,

my hon. friend would scarcely say that he should be debarred because of his place of birth. My hon. friend will agree with me in thinking that it would be a great misfortune for England were she not to receive the benefit of the services of Irishmen and Scotsmen.

Drumboe Evicted Tenant.

MR. MCVEIGH (Donegal, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the attention of the Estates Commissioners has been called to the case of Denis Ward, who claimed through John Ward, deceased, who was evicted from his holding on the estate of Lady Alice Hayes, Drumboe, near Stranorlar, county Donegal, on 19th January, 1891; and, if so, whether he will take steps to have an inspector sent down immediately to inquire into the matter.

MR. BRYCE: The Estates Commissioners inform me that they have received the application in question and have referred it to their inspector in county Donegal for inquiry and report. The inspector will doubtless inquire into the matter when he reaches the district in which the holding is situate. It would obviously greatly impede the inspector in making his inquiries into the numerous cases referred to him if he were sent hither and thither to inquire specially into particular cases.

Irish Assistant School Teachers.

MR. FFRENCH (Wexford, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland what is the average salary of assistant teachers in England, Scotland, and Ireland; what is the number of assistants in Irish schools; what is the percentage of assistants in England, Scotland, and Ireland who have obtained a teacher's certificate; and whether any steps can be taken to increase the salary given to the Irish assistant teacher.

MR. THOMAS O'DONNELL (Kerry, W.): I beg also to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether any steps are being taken to improve the position of the assistant teacher in Irish national schools; whether he is aware that, owing to the salaries given and the poor prospects of promotion, the best men are leaving the service, to

the detriment of education, and that the salary given in Ireland is little more than half what it is in Scotland; and whether steps will be taken to give assistant teachers of ten years efficient service second-grade salary.

MR. EDWARD BARRY (Cork County, S.): May I also ask the Chief Secretary to the Lord-Lieutenant of Ireland whether assistant teachers in Ireland, though serving the same apprenticeship and passing the same examination as principal teachers, can never go higher than third grade either in salary or pension, no matter how long or efficient their service may be; whether he is aware that the maximum salary for men is about £80 per annum, and the average about £63; and whether steps will be taken to place on the Estimates of next year such a sum as will give second-grade salary to all assistants of ten years efficient service.

MR. BRYCE: The Commissioners of National Education inform me that the average salaries (omitting fractions) of assistant masters and mistresses, respectively, are:—In England, £112 and £80; in Scotland, £120 and £73; and in Ireland £73 and £58. As I have said in reply to previous Questions, the Commissioners are of opinion that the larger salaries in Great Britain are due to the greater amount of local aid given, and to the fact that the schools are generally larger than in Ireland. On 31st December, 1905, there were 4,338 assistant teachers in Irish national schools, viz., 1,219 men, and 3,119 women. The Commissioners have no information as to teachers' certificates in England and Scotland. In Ireland, all assistant teachers have been trained in training colleges, or have passed the prescribed examinations, or are University graduates. The Commissioners are aware that there is a decrease in the number of male candidates for entrance to training colleges, but they have no statistics to show that the best teachers are leaving the service. Under the Commissioners' rules, assistant teachers appointed since 1st April, 1900, are ineligible for promotion beyond the third grade, save in exceptional circumstances. The maximum salary of men assistants is £77; but in addition, assistants receive residual capitation grants, as well as bonuses under the

Act of 1892. The Commissioners do not propose to give assistants of ten years service second grade salary. They have, however, submitted proposals which would have the effect of improving the position of assistant teachers, and these are now under consideration.

The Late Major Healy's Folkscourt Estate.

MR. MEAGHER (Kilkenny, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he will inquire if negotiations for the purchase of a portion of the estate of the late Major Healy, Folkscourt, county Kilkenny, have been entered into; if he is aware that, while a portion of the tenants have been induced to purchase at the price demanded by threats of legal proceedings for rent and arrears, another portion whose holdings are interspersed through the estate are not allowed to purchase at any price; will he inquire why, while three-fourths of the tenants in the village of Johnstown on the said estate are allowed to purchase, the other quarter are not allowed; that those who hold under middle landlords, who are willing to accept reasonable compensation, are also debarred from doing so; and will he see that an investigation into all the circumstances stated will be held, and that no sale is sanctioned until all the tenants are given an opportunity of purchase.

MR. BRYCE: The Estates Commissioners inform me that they have no knowledge of the facts alleged in the Question. Portion of the estate of Major Healy has already been sold to the tenants, and the Commissioners have no information as to any negotiations for the sale of the remainder which may be in progress. If full particulars should be furnished to them they will have the matter inquired into.

Wicklow Evicted Tenants.

MR. JAMES O'CONNOR (Wicklow, W.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can state the number of evicted tenants in the county of Wicklow (West Division) on 1st January, 1904; how many of them have applied to the Estates Commissioners for restoration to their former holdings; how many of them have been restored to their holdings; and whether

any of them have been provided with farms on untenanted land.

MR. BRYCE: The Estates Commissioners inform me that their records are not kept by Parliamentary divisions, but by counties. The Commissioners have no information as to the number of evicted tenants in county Wicklow, but they have received applications from seventy-eight persons seeking reinstatement as evicted tenants in that county. Up to the present, four applicants have been restored to their former holdings, but none have been provided with holdings elsewhere.

MR. JOHN REDMOND (Waterford): Will the right hon. Gentleman be able before the House rises to give any further information as to the action of the Estates Commissioners in regard to the reinstatement of evicted tenants?

MR. BRYCE: I am afraid it will not be possible for me to do so. I saw one of the Commissioners the other day and he told me the work was proceeding rapidly, but he was afraid it would not be possible to go into details.

MR. JOHN REDMOND: Has the progress been considerably accelerated since the question was last before the House?

MR. BRYCE: Oh yes; we have more inspectors at work.

Hugh Byrne's Claim.

MR. McVEIGH: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the attention of the Estates Commissioners has been called to the claim of Hugh Byrne, of Cavan Lower, to a portion of land said to be wrongly in occupation of Edward Bogan, on the estate of Miss Stewart, near Killygordan, county Donegal, which estate is now sold to the tenants; and whether he will direct that an inspector be sent down to inquire fully into the claim of Hugh Byrne before the sale of the estate is completed.

MR. BRYCE: The Estates Commissioners inform me that they have received from Hugh Byrne an application for reinstatement, and have referred it to their inspector for inquiry and report.

Bruff Evicted Tenants.

MR. LUNDON: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he is aware that, when Colonel O'Grady, of Kilballyowen, Bruff, county Limerick, was arranging for the reinstatement of his evicted tenants through the medium of the Land Purchase Commission, who purchased in the interest of the tenants some four years ago, the representatives of the late John P. Carroll, of Ballyvranna, were deprived of the greater part of his farm; and will he see that the Estates Commissioners through their inspector will open communications with Colonel O'Grady for the restoration of the farm to the rightful owner.

MR. BRYCE: The Estates Commissioners inform me that they have no knowledge of the facts alleged in the Question, and have received no application for reinstatement from the representatives of John P. Carroll.

Bantry Fair Rent Appeals.

MR. GILHOOLY (Cork County, W.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that Sub-Commissioner McElligott who has recently heard land cases to have fair rents fixed at Bantry, Castle-town, Berehaven, is the gentleman whose judicial conduct in Longford gave such dissatisfaction as to have his removal called for; and whether, seeing that he owes his original appointment to the Earl of Kenmare, and that the Earl of Kenmare has a large estate, convenient to the sphere of Mr. McElligott's duties, he will suggest his removal from that district.

MR. BRYCE: Mr. McElligott was originally appointed by the Lord-Lieutenant as an Assistant Land Commissioner so far back as 1896, and he has since been continuously so employed. The Land Commission inform me that they are not aware that Mr. McElligott's work has caused dissatisfaction, though, of course, it is not unusual for both the landlord and the tenant to be dissatisfied with the rent fixed, the one being of opinion that it is too low and the other that it is too high. The Land Commission have no information as to the circumstances in which Mr. McElligott was originally appointed, and do not

believe that any such circumstance as is alleged in the Question would in any way influence him in the performance of his duties.

MR. JOHN REDMOND: In view of the grave complaints made against this official from various parts of Ireland will the right hon. Gentleman seriously consider the advisability of reappointing him?

MR. BRYCE said he was not aware that there were complaints of a general character. There were individual cases, no doubt, in which people were dissatisfied. The whole subject of the appointment of these Commissioners would shortly have to be considered.

Killucan Postmastership.

MR. DELANY (Queen's County, Ossory): I beg to ask the Postmaster-General if he will issue a Return giving particulars of the services, qualifications, and records of the sorting clerks and telegraphists who applied for the position of postmaster of Killucan, to which he has recently appointed a messenger in the secretary's office in Dublin; and whether, seeing that the rank of messenger is inferior to that of sorting clerk and telegraphist, he will state what opportunity a man of this rank has to qualify himself for the duties of postmaster.

MR. SYDNEY BUXTON: The messenger whom I appointed to be postmaster of Killucan was formerly employed in the parcel office, and had a good knowledge of sorting and parcel work. He had also acquired a knowledge of telegraphy in his own time and at his own expense. All the applications were carefully considered, and I am not prepared to give the Return suggested.

Ireland and the American Mildew and Black Currant Mite

MR. HALPIN (Clare, W.): I beg to ask, the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether his attention has been called to reports that American blight or mildew and black currant mite were imported into England by plants from Ireland; whether he is aware that the disease was imported from England into Clare by the Department of

Agriculture sending gooseberry and black currant plants that were full of mildew or blight and mite to farmers who planted fruit trees under the Department scheme, as farmers who received them can testify; and whether he will instruct the Department to have an expert to examine small fruit plants before importing them into Ireland from English nurseries in future, and arrange that the same expert shall examine apple trees, so as not to allow cancerated and stunted trees being imported into Clare like those sent there three years ago.

SIR EDWARD STRACHEY: So far as the Board are aware there is no evidence which suggests that the diseases referred to in the hon. Member's Question were imported either into Ireland from England or into England from Ireland, but in any case the institution of precautionary measures against the introduction of disease into Ireland is a matter that would fall to be dealt with by the Irish Department of Agriculture.

MR. HALPIN: I am aware of cases in which it has been imported into Clare.

Cavalry for Scotland.

MR. WATT (Glasgow, College): I beg to ask the Prime Minister whether, in view of allaying the agitation in Scotland, he will take into consideration the desirability of placing on the Estimates for next year an instalment of the sum stated to be necessary by the Secretary for War for the housing of two cavalry regiments in Scotland.

SIR H. CAMPBELL-BANNERMAN: No undertaking can be given as to next year's Estimates. My right hon. friend has not before him the materials for a decision.

Standing Orders.

MR. WHITLEY (Halifax): I beg to ask the First Lord of the Treasury if he can give an opportunity, before the session closes, for the discussion of the proposed new Standing Order which appears on the Paper in the name of the Member for Halifax.

SIR H. CAMPBELL-BANNERMAN: Either my friend who puts the Question or the other friend who has the notice on

the Paper must be of a very sanguine disposition. I am afraid no opportunity can be found this session.

MR. WHITLEY: Would to-morrow or Thursday not be available for the purpose?

SIR H. CAMPBELL-BANNERMAN: I think in the present exhausted state of Members of Parliament, it would be undesirable to commence consideration of this large subject.

BUSINESS OF THE HOUSE.

SIR A. ACLAND-HOOD (Somersetshire, Wellington): May I ask what the business will be to-morrow?

SIR H. CAMPBELL-BANNERMAN said to-morrow the first business would be the Lords' Amendments to the Town Tenants (Ireland) Bill, and afterwards any other Lords' Amendments that were available. They would also proceed with the Public Trustees Bill, if it was not finished to-day.

MR. KEIR HARDIE asked whether the day for the Army discussion had now been definitely abandoned. If so, could not the Procedure Rules be further taken?

SIR H. CAMPBELL-BANNERMAN: I think so; those who asked for the Army debate do not want it. As to the Report on House of Commons procedure, that is too large a question to be revived in the last days of the session.

NEW BILL.

POLICE SUPERANNUATION (SCOTLAND) BILL.

"To amend the Police (Scotland) Act, 1890," presented by Mr. McCrae; supported by Sir Lewis M'Ever, Mr. Cameron Corbett, Mr. Crombie, Mr. Barnes, Mr. Price, and Mr. Dundas White; to be read a Second Time upon Thursday, and to be printed. [Bill 376.]

RADIO-TELEGRAPHIC CONVENTION.

SIR EDWARD SASSOON (Hythe) in moving, "That, in view of the experimental and undeveloped condition of

radio-telegraphy, this House regards with apprehension any engagements hampering the complete freedom of action of the State, and asks His Majesty's Government to grant a Select Committee to inquire into the proposals embodied in the Berlin Convention previous to ratification," said he felt convinced that His Majesty's Government were fully alive to the far-reaching potentialities of wireless telegraphy, and that the House as a whole was deeply grateful to the Prime Minister for affording an opportunity of discussing the matter at a time of political stress. The Motion spoke for itself. Although the Papers relating to the subject had not been in the hands of Members for long, he thought that those who had followed the course of the discussion in Berlin must have found it comparatively easy to assimilate the literature, to penetrate the true inwardness of that extraordinary document, and to disentangle the main and salient principle at issue. That principle was no less than the maintenance of our wireless system entirely unhampered by engagements with foreign nations, at any rate until such time as fresh developments and further knowledge might justify His Majesty's Government in adopting a forward policy. In that broad and general proposition he thought he had the cordial acquiescence of hon. Gentlemen in every part of the House. Before he concluded his arguments he hoped to convince the House that this country had played second fiddle to Germany and to her automaton voters at the Conference. The special representative of an eminent journal in this country, devoted to the views of hon. Gentlemen opposite—the *Daily Chronicle*—who had special opportunities of gauging the pulse and feelings of members of the Conference in Berlin, wrote to that paper—

"As far as important business is concerned, with the exception of the British delegates themselves, the Conference is of opinion that Germany has gained all along the line."

In bringing forward this subject he was not in any way actuated by Party motives. The interests at stake were far too precious to permit of Party calculations, sordid and squalid as they would be in this connection, being brought into play. Neither had he any ulterior motive in bringing forward the Motion, because he knew nothing of the internal economy of wire-

less telegraphy nor of its constituent elements, nor had he the remotest personal interest in any shape or form in the future prosperity of the system in use by us. His right hon. friend and he, together with the right hon. Gentleman the Member for the Forest of Dean, had before now stood in the breach against the unfair treatment meted out to the public and the Press by cable companies, and he therefore hoped the House would acquit him of any leanings towards monopolists; on the contrary, he had always advocated that no contracts for any lengthy period should be entered into with the British organisation, so that the hands of the State should be entirely unhampered to revise those contracts, or, if necessary, to acquire the undertaking in the public interest. They on that side of the House did not question either the soundness or the wisdom of the policy of sending our delegates to Berlin, for he believed the late Government were themselves inclined to accept the invitation from Berlin. His contention was that delegates having been sent to Berlin and the Conference having concluded its labours, it was of the utmost consequence that no agreement tying the hands of the State, indeed of the Empire—for, he it remembered, there was not a single representative of the Colonies at the Conference—no instrument involving even the remotest risk to our delicately organised wireless system, or operating in restraint of the entire freedom of our maritime system, should be sanctioned unless and until Parliament, in the plenitude of its judgment, had had full and ample opportunity of addressing itself to and pronouncing upon the main bearings of the problem. That was the whole question in a nutshell. He did not propose to enter into the scientific aspects of the question for the simple reason that he was wholly ignorant of the technicalities with which it bristled. But there was the business aspect and the non technical side—the principle of working and the method of administration—which was most important. By common admission this country possessed the most efficient and reliable system of wireless telegraphy extant. The department over which his right hon. friend presided for many years declined to enter into a contract with the organisation which now worked the wireless telegraphy service in this

country. The Admiralty, after still greater deliberation, threw their ægis over that association. How it was that the Admiralty delegates in Berlin deviated from that attitude after having entered into such an arrangement seemed to him wholly inexplicable. Again Lloyds had entered into a fourteen years agreement, and Canada and Newfoundland had both signed contracts, after a great deal of circumspection, to accept the service of our present system. His first contention was, therefore, that having the most efficient and most reliable system we ought not, in an outburst of altruistic benevolence, to deprive ourselves of that unquestionable initial advantage. If the House would bear with him for a few minutes he should like to read a few extracts from two or three influential newspapers in Berlin commenting upon the action of the Conference and its results. The first quotation was from the *Vossische*, September, 1906:

"The German industry has indeed found lucrative occupation in the construction of apparatus, but apart from a small beginning, it has shown little interest in exploitation. . . . It is evident that the difficulties of competition have grown very much, and it will need an arduous straining of all available energy and efficiency to counteract a supremacy which England is aspiring to. . . . The English tenacity, supported by remarkable capacity for organisation, shows itself here prominently. Where is there a prominent point of any importance and suitable for the erection of wireless stations that does not belong to England, or is not under English influence? . . ."

Alluding to our own organisation it said—

"However gratifying this progress may be from the standpoint of civilisation and the augmented safety of navigation, it is regrettable that German capital takes such a small share in this advance. At any rate with the exception of England and Italy all the other Powers have an urgent and a pressing interest to see that the British service falls, as it cripples their industrial competition and grants to England a rather dangerous influence from this system of communication."

The *Reichstote* stated—

"It would be even more impossible for the other States to admit a British supremacy over atmosphere than the British supremacy over seas."

He apologised to the House for the length of these extracts, but he thought they would be convincing. He desired to know whether the Committee of Defence, which they owed to the patriotic sagacity of the right hon. Gentleman the Leader of the Opposition, were of one

mind on the subject, because rumour had it to the contrary. His second contention was that our Colonies had had no means of taking cognisance of the proposals or of the difficulties of enforcing the regulations discussed in Berlin. The House as a whole did not realise the magnitude of the Canadian and Newfoundland interests in the matter. Canada and Newfoundland together had a coast line of not less than 3,400 miles, whereas the whole of the British coast line from Dover to Land's End barely exceeded 280 miles. The reproach could not be levelled at Canada, still less at the Laurier administration, of desiring to strangle the competitive systems. Their view seemed to be that, until this science emerged from its experimental stage, it was best to leave well alone. His third contention was that in any agreement providing for the interchangeability of messages between different systems indiscriminately there must be the danger of these waves being shot through ether promiscuously, and in the welter and confusion that would be thereby created it was by no means improbable that our own messages which we had to send to our reserve stations on these shores would be blurred, obliterated, or intercepted, with the general result that the whole of our service would be dislocated. His fourth contention was that, unlike the cable and telegraphs, where they required an international understanding in order to lay ends of cables and wires at certain fixed points on the coasts, wireless telegraphy scorned all geographical limitations and barriers and knew no frontiers. Therefore he thought that, until such time as arrangements with foreign Powers were considered necessary for our system, this country ought to be allowed to carry on the service which suited it best, and which, so far, had worked admirably. His fifth contention, and it was the last and most important, related to the *status*, utility, and general economy of our own organisation as compared with the organisation of foreign nations, notably that of Germany, in so far as any reliable comparison could be instituted with regard to their respective capabilities; for, while we were the common carriers at so much a word, the bulk of the people abroad were merely manufacturers of instruments. This was the second time that attempts had been made to

draw us into international agreements, and, it might be presumed, judging from the anxiety that had been displayed, that their aim was to fortify the German position and the position of other Powers, which were untenable except with our adherence. He had no doubt that was an object of great use to the foreign Powers, because what they desired was to secure the establishment of their own systems upon our shores. Should we permit that object to be carried out? He would say certainly, if any such service could be conducted, and did not involve the principle of division of authority and competition between the different authorities, with the corollary of the joint use of the same stations. His right hon. friend knew the difficulties inherent in the domain of international cable agreements and how difficult it was to secure the introduction of even the smallest reform. The House was aware that the telegraph services in this country were under a central authority. What would the Postmaster-General say if the different makers of telegraphic instruments were to wish to co-operate with him in the conduct of his enterprise? What would the Chancellor of the Duchy of Lancaster have said in the early days of the telephone if it had been suggested that he should allow communication with every single instrument to be effected through the central exchange? He would have said it would mean chaos. It would be more irksome and intolerable in the case of a wireless service between ship and shore or shore and shore. Let them take a simple case, and assume that two foreign ships were approaching our station. The House would easily see that if those ships were equipped with different instruments confusion would be the inevitable result. Our own delegate, Mr. Babington Smith, in proposing to the Conference that each State should have the right to reserve certain stations on its territory from the obligation to intercommunicate, urged that the well-organised service in this country would be subject to great jeopardy from the effect of messages transmitted under the provisions of the Convention. If the service would suffer disturbance from mere attempts at communication by ships not under the control of our stations imagination staggered at the prospect of a service

which would be compounded of a far greater number of conflicting elements, ships worked by shipping companies, ships worked by wireless companies, shore stations worked by Government, shore stations worked by wireless companies, and the reserve stations worked in such a way that they were sure to be crowded out. He thought the result would be confusion worse confounded. Was it worth while, even in times of peace, to do anything that would, remotely even, disturb our well-conducted wireless service? What was the advantage of it? If foreign stations had at least as good a system as our own he could have understood the sense of entering into some arrangement in the direction of international convention; but so far as he could see the result of the Convention would be to encourage foreign Governments to collect information as regards the disposition of our own wireless arrangements round our coasts. We were the largest maritime Power in the world, and if anybody was to call the tune for the rest of the world we were the people who ought to do it. The difficulty of patent rights would constantly be cropping up, and it would be a matter of the utmost difficulty to adjust and reconcile the protection of these rights. They were told that the tendency of the Convention would be to advance and benefit science. He could not conceive a diplomatic instrument more calculated to hinder and check the progress of science; for it practically said to the inventor and the patentee, "Your patent will not be usable until every single State in the Convention agrees to use it," and even then he would probably get very short shrift for his rights. As a last resort they were told that unless the Convention was passed they would be working towards the creation of a monopoly. Whatever might be the drift of services abroad, there was no such thing as a monopoly in this country, and the suggestion merely created a false prejudice in the public mind. We had enough ships and wireless stations all over our dominions to keep our present system busy throughout the twenty-four hours; and if foreign nations wished to communicate with us, let them do so by all means; but let them use the instruments that we considered best, so that they might not disturb and unnecessarily injure the working of our present

organised system. The Convention bristled with regulations the enforcement of which would be, if not practically impossible, so difficult, so harassing, and so irksome, that it should really cause any Government to withdraw from it if it unfortunately entered into it. We were on friendly terms with the nation that had been so conspicuous in initiating this Conference, but we could not overlook the colossal sacrifices she was making to build up her powerful Navy—a state of things that was bound to affect our Navy Estimates. Whether those sacrifices were for purposes of offence or defence the question was one which could not be overlooked. Wireless telegraphy was fast becoming an indispensable element in naval equipment. For other nations it might be more or less of a toy; for us it was the very breath of our nostrils. Were we to forget that “charity begins at home,” and to go out of our way to stimulate the efforts of other nations at the cost of a possible injury to ourselves? If our naval programme was to be increased, the first section of the community to suffer would be the working classes, and he therefore appealed to the Labour Members to look upon the question as one specially affecting them. He did not know whether he might appeal to hon. Members from Ireland. He knew certain aspirations of theirs unfortunately circumscribed the range of their political vision, but he felt certain that the hon. and learned Gentleman who so brilliantly championed the cause of the Nationalists was animated by sentiments larger than mere local patriotism. He would be glad, therefore, if the hon. and learned Gentleman would help in disentangling these questions, if only on grounds of expenditure. He would remind the Irish Members that the brilliant and gifted inventor of our system of wireless telegraphy was a son of Erin, and that a considerable portion of the capital, labour, energy, and brain that went to build up that powerful undertaking came from Ireland. Whatever the results of the appeal which he made to the Government to mark time as against a policy of immediate and forward action—or rather he should say a leap in the dark—it could not afterwards be said that respectful remonstrances had not been addressed to them. Theirs was the responsibility. Might it not

prove to have been exercised at the risk and peril of two of the most cherished interests of this country, imperial and industrial defence. He begged to move

MAJOR SEELY (Liverpool, Abercromby), in seconding the Motion, said his interest in the matter arose from the fact that he had had to consider it in reference to communication between lightships and the shore. It was to Mr. Gerald Balfour that the use of wireless telegraphy for this purpose, and with the happiest results to life saving, was due. There were two aspects of this question. Of the commercial aspect he would only say that it would be unwise, at the bidding of a Conference, composed as it was, to standardise an industry so completely in its infancy. He would say no more about the commercial aspect of the question. Nor was it necessary to deal with the fact that the Marconi Company had very nearly a monopoly in this country. We gave this monopoly of our own free will for our own purposes, and if we did not like monopolies our proper course was to buy the company out, stock, lock, and barrel. But from the strategical aspect the matter was of supreme, vital, overwhelming importance. In time of peace it was but a fractional percentage of the electrical communication of the world that was sent by wireless telegraphy.

SIR EDWARD SASSOON: Because it is undeveloped.

MAJOR SEELY said it would be so during our lifetime. But when this country went to war, probably communication with our island by cable would cease. Would it not then be well, before we committed ourselves to the far-reaching provisions in this document, to reflect that probably we should have to rely on wireless telegraphy for communication with our fleet? If history was any guide, capability of communicating with a fleet would probably be worth twice the naval force that at any one moment could be put upon the sea. It had been suggested to him by a high naval authority that a Power with ten battle-ships and able freely to communicate with them by wireless telegraphy was in

a position equal to that of another Power with twenty battleships but no such means of communication. He asked the Prime Minister, as representing the Committee of Defence, whether it was not true, looking back at the naval battles of the past, that the possession of such a system by the defeated force might have reversed the actual results. At the Conference the Great Powers of Europe were represented, none of whom had interests equal to our own, and in addition there were representatives of Brazil, Persia, Rumania, Uruguay, and Monaco. It was too much to ask the House to accept the document without further inquiry. It was always a delicate and difficult matter to know how far to invoke the co-operation of our Colonies in an international matter; but this was a matter of high interest to our Colonies, most of whom had wireless telegraphy stations of their own. They were not represented at the Conference, though they were to be in the future, but a Colony like Canada would have no more voice than one of the small German Crown colonies. The composition of the body was not such as should induce the House to accept the result without further inquiry by Select Committee. He drew attention to Articles 6 and 8, and noted the words "as far as possible" in an attempt to standardise an inchoate system. It was impossible to foretell what might result from the energy of inventors, and we might bitterly regret agreeing to the setting up of other stations alongside our own. Reference would, no doubt, be made to our reservations in the Protocol, but therein were reasons for further delay before signing this document. The House did not understand radio telegraphy, nor yet did Mr. Marconi; and who could say where we might be driven by the decision of the Conference? As a plain man he had a great dread of experts assembled in conference upon matters affecting the very life of a nation. No doubt our own representatives were well qualified to look after British interests, but he asked for the application of common sense after experts had given their opinion, and he begged the Government to assent to the appointment of a Select Committee.

Motion made, and Question proposed—
"That, in view of the experimental and undeveloped condition of radio-

telegraphy, this House regards with apprehension any engagements hampering the complete freedom of action of the State, and asks His Majesty's Government to grant a Select Committee to inquire into the proposals embodied in the Berlin Convention previous to ratification."—
(*Sir Edward Sassoon.*)

MR. BELLAIRS (Lynn Regis) said he was glad that the hon. Baronet had by his speech taken this question out of the arena of Party politics altogether, because otherwise it would have been incumbent upon someone to point out that the late Postmaster-General had publicly blessed this agreement, and had stated that the Admiralty, the Post Office, and the War Office under the last Government were in agreement in regard to it. Evidence that that was the case was to be found in Article X. of the Post Office agreement binding the Marconi Company to concur in any arrangement the Government might make with foreign Powers. That showed that the Admiralty were in complete agreement with the Post Office in 1904. The hon. Baronet the Member for Hythe had said that the agreement with respect to the using of certain instruments would result in chaos. Personally he disagreed altogether with that view. The hon. Baronet had also said that there had been a want of consistency on the part of the Admiralty. He did not think that that had been proved. With regard to the statement that the Colonies had not been consulted as to whether they would enter into such an agreement, the matter would come up at the Inter-Colonial Conference next year, and if it were then found that their interests did not square with ours the agreement made at the Berlin Convention could be broken on one year's notice, and no great harm could be done in a year. The hon. Baronet had made a stalking-horse of maritime cables, especially in the case of the Pacific Cable to Australia which involved a loss of £90,000 a year. He denied that we were dependent on the Marconi system of wireless telegraphy for communication between the ships of the Navy or the mercantile marine. Experiments could be tried with waves of quite different length from those employed by

the Marconi system between the shipping and coast stations. The House ought not to be asked to be guided by purely naval considerations, having regard to the fact that the work of our commerce went on year after year, whereas it was a hundred years since we had had a maritime war, and our mercantile supremacy had not been challenged since. His argument was that there should be an open market for all systems of wireless telegraphy as long as they did not interfere with each other. In that way we might get the best system in the future which would be for the benefit both of the Navy and of the mercantile marine. What the hon. Baronet was contemplating was a monopoly made by law. Our supremacy in the mercantile marine of the world had been attained by free competition; and the same result would follow if we allowed free competition with all systems of wireless telegraphy. We had 43,000 miles of coast-line—ten times the coast-line of Germany, twice the coast-line of Germany and the United States—and half the shipping of the world. We had got the start in the mercantile marine, and he could not see how our monopoly was to be infringed upon by Germany or any other nation. Undoubtedly the Marconi Company had succeeded in getting a monopoly of the Press. Hon. Members had been bombarded with newspaper extracts presenting only one side of the case. He had read them all, and they gave a blood-curdling picture of what was to happen to this country as the result of the convention. The same predictions were made when the Navigation Laws were abolished; and yet they all knew what had happened since. Before the abolition of the Navigation Laws our commercial shipping was by no means supreme; but since it had become the greatest in the world. He believed that a similar system employed in regard to wireless telegraphy would bring about a corresponding result. On that side of the House they were not free-traders by compartments, but free-traders all along the line; and he did not see how they could adopt a dog-in-the-manger policy in regard to wireless telegraphy.

*MR. JOHN O'CONNOR (Kildare, N.) said that the hon. Baronet the Member for Hythe had appealed to the sympathetic nature of the Irish Members for support to his Motion on the ground that the inventor of this system of wireless telegraphy was to some extent an Irishman. However ready they might be to respond to appeals of that kind, there was another element in an Irishman's nature, and that was that they thought justice should be done; and they believed that justice would not be done unless the Motion made by the hon. Baronet were adopted by the House. Much had been said in the course of the debate about monopoly; but if there was a monopoly it had been created by themselves. They had allowed it to grow up and encouraged it by contracts entered into with the Marconi Company by the several Government Departments. If the Marconi Company should be unable to perform the terms of the contracts entered into the Government Departments would be themselves to blame. It was well known that monopolies were created by other Departments than the Post Office. Monopolist rights were given through the Committees upstairs to railway companies, and good care was taken by every kind of inquiry that no infringement was made of those monopolists' rights. An agreement had also been made between the Marconi Company and Lloyds, which showed that the latter, who were the best judges of all the requirements of shipping, were of opinion that one system of wireless telegraphy should be in general use. Lloyds, after having expended £45,000 in experimenting with other systems on their own account, said that the Marconi system had been proved to be a good working system. With that knowledge the Post Office Department entered into an agreement with the Marconi Company for fifteen years with the condition that if another system of wireless telegraphy were introduced the Marconi Company were to be protected against interference at their stations—coastal or inland. That argument disposed of one Department of the State, but he now came to

the agreement between the Admiralty and the Marconi Company. That company under the rules for the time being in force, by virtue of the Berne Convention had to give priority to Admiralty messages in cases of emergency, in regard to the necessity of which the Admiralty, it was provided, should be the sole judge. That was a most important provision. The Marconi Company were also bound to give certain privileges to the Post Office, and yet the Government, knowing that the company had signed the agreement, joined this Convention which invaded the rights of the company, and allowed something to happen which might disable the company from being able to perform the terms of the agreement. He therefore submitted that there was no question of monopoly. Under the Convention interference by foreign vessels might take place with our wireless telegraph stations, say, on the coast of Ireland, at Castletown by vessels coming from the west and at Rosslare by vessels coming from the east in trying to get into communication with the International Station which by this Convention, if ratified, could be erected midway between those two. There was another way in which the power of the company under the agreement would be interfered with. The Marconi Company had devoted themselves to manufacturing instruments of the highest power, and of the most delicate character. The machines manufactured in Germany were not of so delicate a character, and if the Marconi Company were compelled to receive messages from vessels that were not supplied with their own instruments one of the effects would be that they would be obliged to furnish their own stations, whether afloat or ashore, with instruments of a low grade character, and they would thus be disabled from sending their messages to the furthest distances, and from receiving messages from abroad. That would be of the greatest detriment to the company, especially in that they would have no control over their system. At the present moment there might be nothing like perfection in the Marconi system. Still they had done their best to secure it. In order to make their working more perfect they had offered and given to their servants a bonus if they carried

out the regulations which would ensure perfect working. If they had to give a bonus to their own servants to secure regular working, what would be their difficulty if they had to work with persons over whom they had no control? If they had to receive messages from those under the control of foreign agencies it would be a detriment to their service and prevent them from carrying out their contracts with public departments. The incentive to take the initiative on the part of this country would also be taken away, and the general efficiency of the public service would be impaired. For these reasons he supported the Motion of the hon. Baronet and thought that the whole matter should be referred to a Select Committee which should have the advantage of expert opinion before a decision was arrived at.

*MR. J. D. WHITE (Dumbartonshire) said he was sure that they all sympathised with the idea of the hon. Baronet that any Convention which would prevent advance should be regarded with considerable suspicion. He ventured, however, to differ from the hon. Baronet as to the alleged effect of this Convention. It seemed to him that the proposed arrangement had not been entered into lightly or without careful consideration. These proposals were of the same general character as the Protocols published in 1903, which had been specially referred to in Clause 10 of the Marconi agreement of 1904. That clause dealt particularly with the possibility of such an International Convention being agreed to. The same idea was in the mind of the late Postmaster-General when he entered into the Marconi agreement two years ago. He mentioned the Marconi agreement without the slightest idea of making Party capital out of it, but because that agreement and this Convention were very closely related. There were other systems in the field, but under the agreement we gave the Marconi Company important rights which amounted to a virtual monopoly. At the time we did so, there were other systems in the field which were formidable rivals to the Marconi system, and notwithstanding that the Marconi Company was accorded these exceptional advantages not only for the term of their master patent, but for a

term extending some years beyond the time when that patent would expire. His hon. friend opposite had quoted from Clause 3 of the Marconi agreement, but he had omitted to refer to Clause 10 which made special provision for the event of our entering into such a Convention as that now under discussion. Indeed, the Marconi agreement contained special provisions for an "additional rate" to be paid to the company in certain events under such a Convention. He thought it only right for the House to recognise that the Marconi agreement had very seriously hampered the Postmaster-General in exercising his discretion in this matter. In view of the fact that this agreement was entered into by the predecessor of the present Postmaster-General he thought any action which had been taken should be criticised in a very generous manner. The hon. Baronet the Member for Hythe had made an eloquent appeal to hon. Members sitting below the gangway. He would appeal to the terms of the Convention itself. He hardly needed to remind the House that its object was to utilise wireless telegraphy for ship to shore and shore to ship messages all over the world in order that ships might receive from time to time messages which would be extremely useful to commerce. It had been said that the effect would be to standardise the system and to impose uniformity. He would remind the House that Article 3 of the Convention provided that coast stations and ship stations should be obliged to exchange reciprocally radiotelegrams without regard to the particular system adopted by them. That was intended to secure fair play for all systems. It has been suggested that the convention would interfere with our National defences, but he would point out that by Article 21 high contracting parties retained all their privileges and naval and military installations were not affected. The only qualification to this, and they were only the loosest of requirements, were those relating to Article 9, which referred to the giving of priority to signals of distress from ships, and Article 8, which provided that the working of the radiotelegraph stations should be organised as far as possible in such a manner as not to interfere with the work-

ing of other stations of the kind. He thought, however, that in relation to military and naval working the giving of priority to distress signals might very well be left to the good feeling of those in charge of the ships and naval stations, and that as regards interferences the use of the system for military and naval operations should be unqualified. As regarded the Colonies he thought the hon. Baronet had overlooked the fact that by Article 1 of the Final Protocol they had not come in automatically, and they would have a free hand as to whether they joined it or not. Personally, he thought that the Colonies would be benefited by joining. The mover of this Motion had asked where the benefit came in. In reply to that question he would say that in the first place the use of wireless telegraphy for all ships navigating along all the coasts of various countries would result in considerably lessening the loss of life and property from shipwrecks. He was sure all hon. Members would be very pleased that distress signals should have priority over all others. Wireless telegraphy would also be very useful to seafaring men because it would enable them to know at once what were the weather reports, what was the depth of water on bars and in harbours, what facilities there were for supplying fuel and food and other valuable information necessary for the safe and speedy navigation of ships. When the system was in full working order it would largely obviate the necessity of calling at ports for orders, and ships would be able to go direct to their destination, although they might not have had full instructions when they first set sail. He thought that would be a great advantage to British commerce. The hon. and gallant Member for the Abercromby Division of Liverpool had stated that very little commercial use had been made of wireless telegraphy, but one of the reasons for that was that they had so very little international arrangement, and his opinion was that under this Convention a great deal more would be done. In view of the fact that other nations desired this Convention, the question was whether we should join in the Convention or stand out. It should not be overlooked that this country

did the lion's share of the carrying trade of the world, and therefore it was of the greatest importance that our ships should get in communication with foreign stations in order to keep up our commercial position. It would have been taking a serious responsibility if the Postmaster-General had decided to stand outside the Convention and thus place the whole of our British ships off foreign coasts in a worse position than foreign ships would be in. There was a considerable guarantee against interference because it was specially provided by the Service Regulations annexed to the Convention that certain wave-lengths should be adopted, and that if several ships came to a station at one time they were to be taken in a certain order. As regards the more general danger of interference on a larger scale, he would point out that it was quite open even now to any foreign Power to set up a wireless transmission station of its own just outside our territory in such a way as might seriously interfere with our own internal arrangements. The Convention did not deal with that point because it would be impossible for us to impose such an obligation unless we were willing to accept a reciprocal obligation from them. He thought we should be the last in the world to say that our use of wireless telegraphy should be hampered in that way. He failed entirely to follow what the hon. Baronet had said about interference with patents. It seemed to him that the Marconi agreement had done much to interfere with patents, and one object of this Convention was to secure equality of opportunity and to stimulate competition. But the best safeguard of all was that Article 11 provided for the parties modifying the terms of the Convention from time to time, and that Article 22 provided that—

"The present Convention shall come into operation on and from the 1st July, 1908, and shall remain in force for an indefinite period, or until the expiration of a year from the date of its denunciation."

Thus if any country found that the arrangement did not suit it it could retire on giving twelve months notice. That was a most important safeguard, as it supplied the necessary flexibility, and adapted the system to the various changes which might take place through the pro-

gress of invention. He thought hon. Members would agree with him as to the rapid progress which wireless telegraphy had made. Great improvements had recently been made both in the transmitting and receiving arrangements, and messages could now be sent over greater distances than before, and with a less expenditure of electric energy. Considerable progress had also been made in directing the messages and attuning the instruments. It was a remarkable thing that since the beginning of this Conference an entirely new system of radiotelegraphy had been developed. The kind of radiotelegraphy contemplated in this Convention was the kind with which they were familiar which consisted in sending a series of individual impulses from the transmitting station. The new radiotelegraphy of which we had learned only in the last few months was of a continuous-current character which could compare for speed with ordinary telegraphy and which had already developed far greater facilities for attunement than any previous system. The progress of invention within the last week did not stop there, they had had news of a new system of radiotelephony in which it had been found possible to utilise electric waves instead of light waves for wireless telephonic messages, and such messages had been exchanged at a distance of sixty kilometres. This showed how rapid was the progress of invention and emphasised the importance of the provision which gave a country a free hand on twelve months notice if they found the Convention did not suit them. He was glad that the British delegates were amongst those who insisted that that provision should be inserted. The Postmaster-General had had a very difficult task before him, because he had to endeavour to secure as far as possible the full international benefit of wireless telegraphy in the present state of the art, and had also to see that structure did not hinder future developments. It seemed to him that object was well achieved. This Convention would give most-favoured nation treatment to British ships in all parts of the world so far as wireless telegraphy installations were concerned, and it would give better security to life and

property at sea. It would increase the volume of our trade, and by providing an international working of wireless telegraphy on a scale larger than before we should be taking an important step towards knitting the nations of the world closer together. Whether the Government granted the further inquiry which had been asked for or not, he ventured to say that the Convention would be of great use, and that it had nothing to fear from the most searching scrutiny that might be bestowed upon it.

MR. WILLIAM REDMOND (Clare, E.) having congratulated the hon. Member for Mid. Lanark upon his return to the House, said he would not follow the hon. Member for Dumbartonshire in his long and intricate arguments in reference to the various systems of wireless telegraphy. In his opinion the hon. Member's speech was the best and most potent argument that could be used in favour of the Motion before the House. Nobody could deny that the subject was one of great intricacy which ought not to be discussed and decided off-hand. What was asked for was the appointment of a Select Committee, so that all the arguments might be gone into and the House fully informed as to the facts of the case. The hon. Baronet who proposed the Motion had referred to the Irish Members and to the Labour Members in the most flattering terms. He was aware that many of these stations would be in Ireland, but all they were anxious about was that a Select Committee should be appointed to consider all the issues at stake. He did not know how the hon. Member for Dumbartonshire could possibly object to so reasonable a proposal. They had not all studied the matter so closely as the hon. Member, and he thought the House generally ought to have an opportunity of acquainting themselves with all the facts. That was a proposal so reasonable that he felt sure the Postmaster-General would accept it. He did not think the reference to the Colonies had been quite satisfactory. It had been said that it would be optional for the Colonies whether or not they would be bound by the Convention. He had heard some opinions expressed by gentlemen interested in Australia and in

shipping, to the effect that the Colonies ought to have an opportunity of taking part in all such conferences as the one held in reference to this matter. In all international matters Colonies like Australia and New Zealand ought to have their claims thoroughly recognised. They ought to have been invited to send delegates, and no Convention ought to be ratified by this House without the most detailed consultation with the representatives of the Colonies. He appealed to the Prime Minister and the Postmaster-General to recognise that there was a very deep feeling that this important matter should be inquired into by a Select Committee, and he hoped that the interests of Australia and New Zealand and our other Colonies would not be overlooked in any inquiry that might be decided upon.

MR. CLAUDE HAY (Shoreditch, Hoxton) said he did not rise to make any attack upon the Postmaster-General, although he had had occasion to cross swords with him in regard to wireless telegraphy earlier in the year. He wished to join in the appeal in favour of the Motion before the House. He thought a Select Committee on this subject would be of very great service, because it would to a great extent set at rest many of the contentions advanced by the different companies and inventors and those who desired that the Marconi Company monopoly should be brought to an end. If the Government found that it was desirable both from a national and from a commercial point of view to terminate its agreement with the Marconi Company its hands would be strengthened by the Report of the Select Committee. He did not speak on behalf of any company or inventor, nor did he support in any degree the Marconi Company or the agreements between the Admiralty and the Post Office with the Marconi Company. Those agreements might possibly have been of some advantage in the past, but they were of little advantage now, and they might be sources of danger in the future. He hoped the Postmaster-General would acquiesce in this Motion, and he did not believe that any disadvantage would result from the loss of time involved in the appointment of a Select Committee. A delay of three or four months would not imperil the

national interest or injure our mercantile marine.

*MR. REES (Montgomery Boroughs) said he failed entirely to see where we came in upon this matter or what this country could possibly get by this Convention. The hon. Member for Dumbar-tonshire had summed up his remarks in favour of the Convention by saying that if it had not contained a stipulation that it might be discontinued with a year's notice he would not have supported it. He would remind his hon. friend that it was much more difficult to get out of an engagement than to get into one. We were not out of the Sugar Convention yet. If the Postmaster-General replied upon this matter he trusted that he would be able to put forward in a much more convincing manner the advantages which this country was to gain from participation in the Convention. The only working business system at the present moment was the Marconi system, and if the action of the Government tended to perpetuate that system he would not regard it as a disadvantage. The Marconi Company were the people in possession. In spite of his hon. friend's enumeration of the merits of the Convention, how could he contend that a mere stipulation that distress signals should be taken first and that there should be general intercommu-nication was any justification for entering into such an agreement? Were they going to be frightened by the word "monopoly"? The Postmaster-General's Department was a great monopoly, and a very beneficial one it was. What harm was there in the Marconi system being a monopoly? Were not our cypher codes a monopoly? He wished that all matters connected with our defences were much more a monopoly, instead of being known to almost every foreign nation as they were. He thought everything connected with our defences should be as far as possible a monopoly. What was the use of shying at a mere word. For the matter of that every monopolist was not a Sir Giles Overreach, and he did not consider that for Government to favour a British company, by the way, was any crime in a British Government. Here, however, there was no question but that of the public and strategic interests concerned. He understood moreover that the Post-

master-General was not precluded by his agreement with the Marconi Com-pany from licensing other stations on the south coast of England. There was no doubt it would be more beneficial and agreeable to a foreign Power to have its own machinery instead of using ours, but it was no part of the duty of this country, indeed it was not advisable, to assist foreign countries in that way. He hoped his right hon. friend would accede to the request made in the Motion, and appoint a Select Committee. In spite of the able representatives they had upon this Convention, and no nation could have a better representative than his friend Mr. Babington Smith, they were beaten every time over these matters. They were bound to be beaten when they had all the small Powers coming in to vote. It was not this country but other nations that would be left in the cold if we withdrew from the Convention. In all these arrangements we went in as the one man who had any money to play a round game of cards with the other Powers. The Convention would involve us in all kinds of difficulties and confusion and he positively dreaded such arrangements because in nearly every case we had much to lose and nothing to gain, while other Powers had little, at any rate less, or nothing to lose and a great deal to gain, from pinning us down to restric-tions which suited themselves.

*MR. BEAUCHAMP (Suffolk, Lowestoft) said that in 1901, when the agree-ment between Lloyds and the Marconi Company was made, it was thought advis-able that one system of telegraphy should be in general use. He agreed that the Marconi system had proved very satis-factory, but time passed rather quickly, and he thought Lloyds would think carefully before entering into another agreement of the kind. When that agree-ment was entered into the Marconi system held the field and was the only workable one. It had been stated that Mr. Marconi had obtained a monopoly, but that was subject to certain stipula-tions. It was part of the agreement with the Post Office that if we did enter into a Convention of this sort the Marconi Company would relieve the Admiralty and Lloyds and all other persons with whom the Company had contracted, from any

obligations arising under their contracts, and that they should refuse to exchange messages with ships or shore stations in the United Kingdom not using the Marconi system. He thought that covered the point that they were doing something which they ought not properly to do. The hon. and gallant Member for the Abercromby Division of Liverpool had spoken upon this subject from a strategical point of view. He agreed with the hon. and gallant Member when he said that ten ships equipped with wireless telegraphy would be equal to twenty ships which had not that advantage. Entering into this agreement did not prevent the Admiralty having a system of wireless telegraphy. They could still have their own system whether they entered the Convention or not. If the Government did not enter the Convention at the present time it was possible that they might not be able to enter it when they desired to do so. As had been pointed out, if we did not enter into the Convention now, other countries might set up their systems, and we might be left out. He was of opinion that the Government were absolutely right in entering into the Convention. He thought it was the duty of the Government to advance as far as possible anything which would be of advantage to the world at large, provided that it would not interfere in any way with British interests. There was no doubt whatever that there were other systems of wireless telegraphy which were progressing very rapidly. The Marconi Company had been insisting with the Admiralty, the Postmaster-General, and Lloyds that they should be under no obligation to receive messages from any other system than the Marconi system. The result of that was, he thought, to prevent people from improving any particular system which they might have, and to operate as a distinct monopoly for the Marconi Company. There were two companies which he understood were quite ready to adopt what they considered a better system, but they were unable to put it in their ships, because it would be of no use when they approached our coasts with which they desired to communicate, the only practical receiving stations on these

coasts being those of the Marconi Company, which refused to take any messages except those of their own particular system. He agreed that if this question was referred to a Select Committee there would be no reason to fear that the result of its deliberations would lead to a conclusion unfavourable to our adhering to our determination to enter into the Convention.

MR. WILLIAM RUTHERFORD (Liverpool, West Derby) said that, of all Conventions that had ever been signed, this was one of the least objectionable in itself. He was one of those who felt bound to treat with a considerable amount of suspicion any Convention which put, or was at all likely under any conceivable circumstances to put, the interests of this country under the domination of any foreign Power or Powers. [AN HON. MEMBER: "The Sugar Convention."] Yes, the Sugar Convention included, to which he was personally much opposed. He approached this particular Convention in that spirit with the object of endeavouring to understand whether the arrangement would be likely to be of advantage to this country, or whether there was anything in it which might possibly do us harm. He took rather the opposite view to the hon. Member who said that this country had not been engaged in a naval war for 100 years, and suggested that we need take no precautions of any kind, as there would probably be no naval war for another hundred years. He was in Berlin on the day that the news of the Spion Kop disaster was received, and he formed a different opinion. He thought they ought to act with the most jealous care regarding anything that might by any possibility interfere with the interests of this country. As to the effect of this Convention the evidence was conflicting. Some hon. Members who had spoken, apparently with authority, had stated that it would have the effect of creating a system of wireless telegraphy on the ships and shores of foreign nations which would interfere with our interests. It had been suggested that the Marconi instruments might be interfered with. He was unable to say whether the Marconi instruments would be injured

or destroyed. It had been suggested also that if the Convention were carried out the effect would be to introduce into wireless telegraphy chaos and confusion which would seriously damage our existing system, and that by going into this Convention we should be helping what was tending to become a deleterious monopoly. He spoke against the Wireless Telegraphy Bill last year and the year before. It seemed to him that anything that would hamper science and prevent experiment was a mistake. If we could do anything to break down monopoly, to improve wireless telegraphy, and to advance science we ought to do it. On the whole, he thought the Convention was a judicious one, but it was not quite clear, and under the circumstances, having regard to the vast interests at stake, he thought the Postmaster-General would act wisely if he agreed to the appointment of a Select Committee.

*SIR HENRY NORMAN (Wolverhampton, S.) appealed to the Postmaster-General to accept the Motion. It appeared from the debate that the House was practically unanimous in favour of the proposal. He had heard no objection to the appointment of a Select Committee. He had taken some interest in this matter from the scientific and other points of view. In reading the Convention one thing that struck him was the extreme difficulty of realising at once its scope and far-reaching character. The conditions under which the Convention was arrived at had not been such as they could regard with satisfaction on all points. Some of the reasons for dissatisfaction had been stated and others which had better not be stated were known to Members of the House. The Government had not had an opportunity of considering the matter in great detail, and no harm could possibly be done to any interest by postponing the decision for sufficient time to enable it to be investigated by a Select Committee. The Postmaster-General had already done admirable work in his Department during his brief tenure of office, and by agreeing to the Motion they would be under still deeper gratitude to him.

Mr. William Rutherford.

*THE POSTMASTER-GENERAL (MR. SYDNEY BUXTON, Tower Hamlets, Poplar) said the discussion had shown that Members fully realised the importance of the subject; and his hon. and gallant friend the Member for Abercromby would recognise that the insular position of this country and our interests as a naval power were predominant considerations in the minds of members of the Government, the commercial aspect being also taken into account. He was glad to recognise that no Party question was involved, and that the Government were carrying on a continuity of policy. The late Government considered the first Conference of 1903 premature, and had no means of enforcing its conclusions. The following year they considered the matter very carefully from the point of view of the draft Convention, since very considerably amended. Careful consideration was given, and it was decided to accept the principle of intercommunication subject to the view of the Admiralty that provisions essential for safeguarding our naval interests should be adopted. They were prepared to go into the Conference on that basis. In order to enable them to enter into such a Conference it was necessary to pass legislation, and one of the primary reasons for passing the Wireless Telegraphy Act, 1904, was to enable the Government of the day to adhere to the Convention relating to inter-communication if it was carried through. The Post Office Agreement of 1904 also anticipated and made provision for the same event. Therefore the principle of intercommunication had been recognised by the late Government as a good thing if it could be properly fenced round with due safeguards of the Admiralty. Then it became necessary for the present Government to consider the matter, because it was obvious that wireless communication required more control than it had had in the past. The invitations to the Conference were issued last spring, and the Government continued the policy of their predecessors. After careful consultation between the Post Office, the Colonial Office, the India Office, the Board of Trade, the Treasury, the War Office, and

the Admiralty, they came to the conclusion that the invitation should be accepted, and that they should go into the Conference prepared, subject to certain necessary safeguards, to accept the principle of inter-communication. He could assure the House that great consideration was given to the question in order to be quite sure that they did not commit themselves to any proposals that would in any way injure our naval or commercial interests. An hon. Gentleman below the gangway had raised the question of the Colonies, saying that they had not been consulted on this important matter. But the Colonies were specifically consulted, and the draft Convention was sent to them for their observations. Some of the Colonies suggested certain details which were accepted and were included in the Convention. He wished the House to understand that the Colonies had been in no way ignored; they appreciated the fact that they were consulted, and the Government had their support generally in regard to the present position. Although this Convention had been subjected to the examination and criticisms of our delegates at the Conference, the Government were now asked to refer it to a Select Committee in order to obtain further information and to bring to bear on it expert opinion. It was contended that, if the Select Committee came to the conclusion that the Convention was a proper one, that decision would remove any apprehension that might at present exist in the minds of Members of the House, and perhaps in some quarters of the country, and that therefore the Convention when it was agreed to would have greater force. He quite agreed that the matter was of the utmost importance, and that it was an intricate question bristling with details which hon. Members could hardly be expected to have mastered. It was not a Party question, and therefore if it was referred to a Select Committee it would be understood in all quarters of the House that it was sent to that Committee with a view to arriving at a satisfactory conclusion which would give confidence to the House and to the country. It was obviously the feeling on both sides of the House that there should be further inquiry into this matter; and therefore

he could say on behalf of the Government that they would at a very early date next session appoint a Committee to which the Convention—the Articles, the Protocol and the Regulations—would be referred with a view to assist the Government in arriving at a conclusion on the whole question. The ratification of the Convention need not take effect for some considerable time, and therefore there was ample time for the inquiry. He wished to say emphatically on behalf of the Government that they had nothing whatever to conceal, and they were not afraid of any inquiry. They firmly believed that the more the Convention was examined the more it would be found that our naval interests were fully protected, and that our commercial interests would certainly be benefited by it.

Perhaps the House would allow him to state the reasons why they went into the Conference, and to say what the Government believed had resulted from it. They were not actuated by "altruistic benevolence," but acted because they thought that this country would benefit. The British Government could not lightly refuse an invitation to an International Conference which was intended, at all events ostensibly, for the public good. He did not say that other nations did not expect to benefit also from the Conference, but he believed that there was a general desire on the part of all the countries represented at the Conference to arrive at a solution which would benefit the world at large. Was there then any valid reason for a change of policy? After considerable consideration of the whole question, the Government came to the conclusion that we should enter into the Conference subject to certain essential conditions in regard to our naval and commercial position. Therefore instructions to our delegates were drawn up, and at the first meeting of the Conference our delegates publicly declared the conditions on which alone they would be entitled to sign the Convention. What were those conditions, every one of which were secured? A great deal had been said about our naval and military position. One of the principal articles of the Convention was that no

naval station was affected in any way by the Convention itself. Our naval position stood outside the Convention. It was obvious also that in a time of war a Convention of this kind would fall to the ground, and any country would be entitled to seize, dismantle, or utilise any wireless telegraph station in its territory quite regardless of any Convention. Then there was a specific clause that each State was entitled to use secret apparatus and to carry on secret signalling when they so desired, without giving any information about the methods used. Further, the Admiralty attached considerable importance to the power of exempting any station they desired from the operation of intercommunication. The only qualification of that power was that there should be certain stations in the United Kingdom open to intercommunication for the purposes of international commerce.

SIR E. SASSOON asked how close the two stations might be.

MR. SYDNEY BUXTON said that was left entirely within the discretion of the Government who exempted stations. The only obligation was that there should be a station suitable for international intercommunication in the same region. The Admiralty also attached the utmost importance to regulations VI. and VII., which, at the instance of the British delegates, secured Regulations and provisions for their enforcement, adequate to prevent interference and confusion. Those were some of the positive safeguards which accrued under the Convention. In addition our delegates, acting under instructions, were able to outvote the Article in the original draft Convention, which would have required every country to boycott any system which did not carry out the Convention. They also changed the proposal for compulsory arbitration to voluntary arbitration, because the Government said they were not willing to place themselves in such a position as to be compelled to go to arbitration with some other country in regard to a matter in which they considered they ought to be the sole arbiters. Also, in regard to the American proposal for ship-to-ship communication, they

considered that the time had not come when this great extension of the regulation of wireless telegraphy should take place, and from that they were exempt.

He believed one of the great advantages of the Convention, if we ratified it, would be that it would tend to enlarge, or, at all events to protect, the number of wireless stations in Great Britain, and that it would discourage the erection of foreign stations which would interfere with British stations already erected. There was an obligation on all those signing the Convention not to work stations in such a way as to have that effect. Further, the nearest station was to have the preference, and a minimum of energy was to be used. These international regulations were a very material benefit to Great Britain, because we were already in possession in the Channel of the best stations, and at all the strategical points we were also in possession of the nearest stations, and the effect of the Convention would be to discourage other stations being put up which would interfere with those existing stations. That was a very considerable advantage to us, from both a naval and a commercial point of view. We should really be actually securing, and not abandoning our predominance, our priority, and our geographical position. He thought the hon. Baronet implied, and it had certainly been implied in the Press, that if we stood out of the Convention, the Convention would fail. That was an entire misconception of the position. Every other nation, rightly or wrongly, was in favour of intercommunication, and, whether we entered it or not, the Convention would go through. If, therefore, we stood out, we should stimulate what we expressly desired to discourage—the erection of additional stations on foreign soil. If Germany, France, Holland, and other countries were not able to communicate with stations in Great Britain, they would be bound, however friendly they might be, to erect those stations in their own territory; and that would be disadvantageous to us in time of war because we should have no control over them, and in time of peace from the point of view of enterprise and revenue. And what was more, the erection of these additional stations would injure our existing stations, because there would have to be greater

Mr. Sydney Buxton.

power used, and this would lead to more confusion between the various wireless stations. He wanted the House to understand that there were two ways in which they must look at this Convention—namely, not only how we stood in regard to the Convention itself, but also as to what would happen if we did not join it.

He had endeavoured to show that, as regarded our naval interests, we were fully protected in the Convention, and that those interests might be jeopardized if we did not join the Convention. The hon. Baronet had laid great stress on the point that, by this Convention, we were, as he alleged, hampering the complete freedom of this country. If he meant by that that various regulations were to be carried out for what might be called the administrative use of wireless telegraphy, it was perfectly true. Any regulations which facilitated and improved the general administration of such a matter as wireless telegraphy were, to a certain extent, a restriction on freedom. On the other hand, they added very much to the use of wireless telegraphy. He would point out that, as regarded the general position, we had complete freedom as to any station or stations that we chose to exempt altogether from the operation of intercommunication, and that, though they might be exempted from the obligation of intercommunication, they retained all the other advantages which were given to those stations by the Convention. We had entire and complete freedom, from the point of view of both commerce and the Navy, to utilise any particular system that the Government might think advisable. Far from lessening our freedom in this matter, if we joined the Convention we should really be regaining it, because, unfortunately, the Admiralty, the Post Office and Lloyds were, at the present moment, hampered to a large extent by the obligation of various Agreements with the Marconi Company. To his mind, one of the great advantages of adherence to the Convention would be that, for the first time, and much sooner than would otherwise have been the case, we should be able to attain to complete freedom in regard to these Agreements. It had been suggested that there were

four or five matters in which the British delegates were outvoted at the Convention, that, therefore, they were forced to accept many matters to which they objected, and that we were put in a worse position by the Convention than we should otherwise have been in. The only matter in which the British delegates did not carry their way, either directly or indirectly, was in regard to the proposal that additional rates should be charged for intercommunication. That was a matter to the detriment, no doubt, of the Marconi Company, but, at the same time, we were bound, under our agreement with them, to make up to them, for a certain number of years, these additional rates. The hon. Gentleman had said that we had only one vote while Montenegro had one also. That was true, but he would point out that, whether we had one vote or fifty, our delegates went to the Convention with certain instructions, and every single point in connection with those instructions was carried out. In addition to that, our delegates, through their ability, zeal, and tact, were enabled to obtain considerable advantages to this country which had not been anticipated. It was a question, not of the actual voting power, but of the influence which the country could bring to bear. And now the Conference had adjourned for five years. All that was left was the International Bureau, but there was not a word of truth in the allegation that that Bureau would have control over the action of the Government, or that the Admiralty would be at its mercy. There was no voting power in the Bureau because there was no representation on it; it was merely a branch of the telegraph union at Berne. It merely sat to collate and circulate information. Further, by giving a year's notice this country could retire from the Convention, and no Government would hesitate for a moment to do so if they found that our naval or commercial interests were injured by the Convention. The position of the Colonies and India had been raised, and one hon. Member had said that they ought to have been invited to the Conference, and asked to join the Convention. They did not themselves desire this, however, nor did the Government, for thus they were not

made responsible for the actual drawing up of the Convention, and they could adhere to it or leave it at any time they desired. With regard to the question of voting, each country could put forward a claim to five votes for her colonies. We should thus be able to propose five votes for the Colonies; and these the next Conference, acting on the analogy of the Postal Union, would almost certainly allot to us. There was no doubt that the Government in power would do their best five years hence to communicate with the various countries concerned, so that the question of the colonial votes, he thought, could practically be disposed of before the Convention met. He hoped he had shown that the Government had been fully alive to the importance of the Imperial interests of this country and done their best to protect them.

Commercially, as a great maritime nation, we stood to gain for freedom of intercommunication. And in regard to the commercial question, it appeared to him that international control was essential, and that the difficulties which had arisen from one station interfering with another could only be thus effectually dealt with. At all events, one of the real advantages of the Convention would be that it would not add to the interference and confusion which at present existed, but would largely diminish it, because there would be very effective control over the methods and regulations under which ships and coast stations would communicate one with another. Besides, the ship and the operator would each have to have a licence, which would be forfeited if there was any disobedience to orders. The hon. Baronet was mistaken in thinking that the intercommunication introduced would stand in the way of improvements. In his opinion an essential element of the regulations was the encouragement of a good and the discouragement of a bad system. Special provisions, which were inserted at the instance of our delegates, only allowed licences in the case of an apparatus which conformed to a certain degree of efficiency and to competent operators. An inventor would be able to maintain absolute secrecy as to his improvement, the only obligation on him being the general one of inter-

communication in the ordinary way and with the ordinary apparatus. He confessed he should have thought the general principle of free trade and enterprise in these matters was from our point of view better than tying ourselves to one particular system, which even if at the present moment the best certainly was not likely to remain so for ever.

He had no quarrel with the Marconi Company; he had himself a great admiration and respect for Mr. Marconi, and he was sure they all felt that he had done a vast amount in this field of scientific improvement, though he was not sure that Mr. Marconi's friends did not claim a little too much for him. But it should be remembered that if Mr. Marconi had benefited England, England had also been of considerable advantage to him. The Marconi Company had received something like £40,000, and they were receiving £5,000 a year under the Admiralty Agreement. This country, therefore, had not treated them badly. He was not concerned in the claim from various companies, but he would point out that, after all, the Marconi Company was not the only British company with stations in England or the Colonies. The claim made by that company that they were the only British company, that the British Empire was bound up with them, and that British ships ought, therefore, to be fitted with Marconi apparatus, exclusively, was a gross and great exaggeration. One of the great arguments in favour of the Convention was that under the Marconi system of refusing intercommunication many British ships were increasingly hampered compared with their foreign rivals. Though the Marconi Company had not a monopoly, they had done their very best to obtain one. But the fact that they had not succeeded made it largely necessary to have this Convention. The only alternative to a world-wide monopoly was organisation under International convention and regulation. There were other powerful companies, British and foreign, and good systems besides the Marconi. New and startling inventions were constantly appearing. The company complained that they were being badly treated. But he must

point out that only two years ago the Marconi Company themselves voluntarily entered into an agreement with the Post Office, for valuable consideration received, to the effect that, if the Government adhered to the Convention, they would agree to allow their stations to be placed under the obligation of intercommunication, and that they would free Lloyds and the Admiralty and others from any obligations not to intercommunicate and for any consequent pecuniary claim which the company might have on them at that time. Now that the company were asked to carry out their side of the bargain they complained that the Government were doing them damage. If it were true, as they boasted, that the Marconi Company and the British Empire were so bound up together that to injure one was to injure the other, he could only say that a few years ago they were willing to sell the country's birthright for a mess of pottage. The Marconi Company had the best stations, and if their claim was true that they had the best system, the Convention could not hurt them, for in competition they must succeed.

MR. JOHN O'CONNOR: Has the agreement to which the right hon. Gentleman refers ever been reduced to writing?

*MR. SYDNEY BUXTON said the hon. Gentleman would find it among the Parliamentary Papers. It was published in April, 1906.

In conclusion he stated that it would have been a serious thing for this country if it had stood out from the Convention. By going into it at the first we secured our own terms; if we had not gone into it at first we should have had to go into it some time on the terms of the other countries; for everyone admitted that a Convention would be sooner or later essential. He did not say it was not possible to pick holes in it here and there, but looking at the Convention all round, he was convinced that it safeguarded our naval interests and was advantageous to our commercial supremacy. He thought the country was greatly indebted to the delegates representing the Admiralty, the War Office, and the Post

Office at the Conference for the ability, pluck, and tact with which they had discharged their mission.

MR. BONAR LAW (Camberwell, Dulwich) said he was very glad that the statement of the right hon. Gentleman made it unnecessary for him to indulge in a task which he did not look forward to with pleasure, and that was to make a speech against the Convention. He happened to be the first Chairman of the Committee appointed to consider the question in this country, and he therefore had a sense of responsibility in regard to the matter. Moreover, he knew how able were the delegates sent to represent this country at the Convention, and he did not wish to take action hastily, and with no more information than it had been possible for him to obtain. Though he did not intend in the least to meet the points raised by the right hon. Gentleman, he still felt, so far as he had information before him to enable him to judge, that the Convention was not one to which it was to the interest of this country to adhere. It seemed to him it was not good business on the part of this country to give a great deal more than we were going to get. The right hon. Gentleman had stated that our delegates went into the Convention with a real desire to do good to the world at large.

*MR. SYDNEY BUXTON: What I said was that, having first safeguarded our interests, they believed that any advantage to the world at large would be an advantage to us.

MR. BONAR LAW said that did not make much difference to the point he was going to make. He said that the right hon. Gentleman went into the Convention with a strong desire to do something for the benefit of the world at large, but he thought the other parties went into it with a much stronger desire to do something to benefit the world at home. In the conflict between these two interests, he was afraid that ours had rather suffered. He was very glad that the subject was to be considered further, and it was, therefore, not necessary for him to meet the very interesting speech of the right hon. Gentleman. But supposing the position

had been reversed and Germany in this industry had got a great start, either in consequence of the superiority of her system or of her territorial position, and that we had desired to come up to her and rival her, would Germany have allowed that initial advantage to be taken away from her by any Convention? The right hon. Gentleman had declared that the Convention would not destroy our initial advantage, and, if that were proved to be true, he did not think there would be much hostility to the Convention. He was very glad to have the opportunity of congratulating the right hon. Gentleman on the position which he had taken up in the matter. There had been no pressure whatever put upon him, and it would have been perfectly reasonable for him to have said that it was a question for which the Government was responsible and that the Cabinet must be the judges in the matter. Instead of doing that, he had realised that there was in the House and in the country a feeling that we were going into the matter rather in the dark, and he had met the general wish of the House by agreeing to allow it to be thoroughly considered by an impartial Committee. The right hon. Gentleman was to be most sincerely congratulated on having taken that course.

SIR EDWARD SASSOON, in view of the exhaustive and extremely lucid statement made by the Postmaster-General and the announcement that His Majesty's Government had decided to appoint a Select Committee next session, begged leave to withdraw the Motion.

MR. JOHN O'CONNOR asked whether the Postmaster-General would bear in mind the words of his own agreement with the Marconi Company, and see that the terms of reference to the Committee directed attention to any system of wireless telegraphy which might be installed with the object of securing non-interference with other wireless telegraph companies, and also whether the reference would include the words "without prejudice to the patent rights of the Marconi Company."

*MR. SYDNEY BUXTON said he could give no such promise. The Government

had promised that a Select Committee should be appointed, and that the whole of the Convention would be referred to them.

Motion, by leave, withdrawn.

PUBLIC TRUSTEE BILL [LORDS].

Considered in Committee:—

(In the Committee.)

[Mr. EMMOTT in the Chair.]

Clause 1:—

MR. WILLIAM RUTHERFORD moved to add words to the clause restricting its operation to "cases where the trust property is sworn to be under the value of £500." He said he approached the first Amendment on this most important Bill with great diffidence because the points at issue did not merely touch matters of temporary interest, but dealt in a most vital way with interests of the greatest possible magnitude. Personally he had a very large experience to guide him as to what this section would be likely to do if not amended. There were some hundreds of millions held in this country subject to trusts. Therefore the Bill proposed to deal with a subject of enormous importance to the community, and one the consideration of which should be approached with the utmost care and diffidence. He could understand that a very good case might be made out under certain circumstances for appointing a public trustee to deal with small estates. In regard to small estates under £500 it was frequently necessary to wind them up in a speedy, reasonable and safe manner, and to ensure nothing should be lost by the appointment of a person of little education and position. But that argument did not apply to the larger trust estates where there was no necessity for immediate winding up and where it was often necessary that they should be administered for a long period of time. When he saw the machinery that was proposed to be set up by this Bill, he was anxious to prevent its being applied to the larger estates. He noticed that six kinds of trustees were to be set up—

the official trustee, the public trustee, the judicial trustee, the custodian trustee, the ordinary trustee, and the managing trustee. If all those trustees were to be appointed, he could only say God help the estate. He further noticed that a public trustee need not take up an appointment; that he could pick and choose the estate that he would administer, which seemed to him a ridiculous proposal. If the Government were inclined to accept this Amendment it would so modify the measure that almost all the rest of the Bill might be allowed to go through as an experiment. It would be perfectly easy if it were found to work well to extend the limit. But, if the Government did not accept it, it might be necessary to devote some weeks to the Committee stage in order to take the Bill clause by clause and word for word. He was tempted, however, to think that the Government were not serious in taking the Bill at this period of the session, but were only marking time. He noticed in the Bill some indication that certain powers of the Bill should be confined to estates of small value, particularly in regard to Clause 3 and the whole of the sub-clauses. He suggested that the whole of the operation of the Bill should be limited to small estates. It would be far easier to extend its operation to larger estates than, in the event of its being a mistake, to turn back after setting up offices and machinery the cost of which no one could tell. The position of this country in respect to its system of dealing with trusts had been for centuries past remarkable as against all other countries in the world. It had created the great investments which were the backbone of our enterprise, and he thought that the unhallowed hand proposed to be laid on this system should be restricted as far as possible.

Amendment proposed—

"In page 1, line 6, at end, to insert the words 'for cases where the trust property is sworn to be under the value of five hundred pounds.'—*(Mr. William Rutherford.)*

Question proposed, "That those words be there inserted."

SIR E. CARSON (Dublin University) said that when a Bill with the same object

as the present one was introduced by a private Member in a previous session it received assistance from every quarter of the House. He was quite sure that if hon. Members had read, as he had done, the correspondence in favour of that Bill from numbers of people, rich and poor, throughout the country they would think it a pity that it had not then become law. It had been said that the present Bill was revolutionary and would shake the system of trusts to its foundation. But this was not a compulsory measure, and that fact ought to be borne in mind throughout the discussions. They were not compelling anybody to employ the public trustee; all they were doing was to give people who found very great difficulty, more especially in large estates, in getting people to act as trustees and look properly after the estates, the opportunity of receiving the services of a public official whose duty it would be to take over the ordinary duties of trustee. He saw no reason for limiting the measure to small estates. Undoubtedly the Bill would confer large benefits on poor and rich alike. He would therefore have great pleasure in doing everything he could to promote its passing into law. It had been said that the system of trustees to be set up would involve a considerable cost to the country. That assertion, however, was refuted by the calculations on the subject made by the Treasury before sanctioning the Bill of last year. It had been computed that with a very small percentage of fees on estates, and if a reasonable number of estate, came in, there would be no expense on the public at all as the office would be self-supporting. If he understood the Bill aright the department would not be expensive, because existing offices were to be used. He trusted that the Bill would be passed with the greatest possible speed. It would be a great convenience to the public, it put no compulsion on anybody, and at the same time it relieved many people from grave difficulties.

*MR. R. PEARCE (Staffordshire, Leek) said the hon. Member for the West Derby division of Liverpool had spoken of the estates in trust in the kingdom as amounting to hundreds

of millions. That was very far short of the total. The evidence before the Income Tax Committee showed that the income of the country was £1,100,000,000 a year. If they capitalised that at twenty years purchase they would have a sum of £20,000,000,000. He ventured to say that a very large proportion of that—more than a half—was in the hands of trustees and that these trustees managed that vast amount of private property. The proposal of the Bill was that instead of its being managed by private persons at their own expense it should be managed by the State. [Cries of “No.”] The right hon. Gentleman the Member for Dublin University had said the cost would not be very great. But there was another element arising from consideration of what had happened in New Zealand which ought not to be lost sight of. When the Bill was introduced the Attorney-General referred to the experience of New Zealand in favour of this proposal. That experience was also referred to in the Report of the Select Committee which reported in 1895. The experience of New Zealand opened up an extremely interesting note to the Chancellor of the Exchequer. New Zealand was very much in want of money. Under the New Zealand law an enormous amount of the private property of the country had been brought into the hands of the Government. Whether that was a desirable thing or not he would not stop at present to consider. The Government of New Zealand had at the present time about 4,000 estates representing a capital value of some £4,000,000. Looking at the process which was gradually going on in this country in connection with the savings of the working classes—

MR. EUGENE WASON (Clackmannan and Kinross) asked whether the hon. Member was in order.

THE CHAIRMAN: As often happens, a Member came to speak to me privately, and I have not been able to listen to the hon. Member who was speaking.

*MR. R. PEARCE said he was calling attention to the large amount of private property which was already in the lands of the State in the shape of the savings of

Mr. R. Pearce.

the working classes, and to the fact that, under the proposal in this Bill, further large sums of money would come into the coffers of the State.

THE CHAIRMAN: This is not a question of putting property into the hands of the State, and therefore the argument of the hon. Member is not in order.

*MR. R. PEARCE said the trust funds would be guaranteed by the State, and therefore to some extent the State would become liable for all the moneys which came into the hands of the public trustee.

*THE ATTORNEY-GENERAL (Sir JOHN WALTON, Leeds, S.) said it was impossible to accept the Amendment, because it was absolutely destructive of the Bill. The hon. Member who moved the Amendment proposed to reduce the application of the measure to estates of the value of £500. Were the mischiefs which were sought to be remedied by this legislation confined to small estates? A person wishing to leave money was anxious that it should be safeguarded, and that the provision he made for his widow or children, when he had gone, might be above the reach of avarice, and might not be subject to dishonesty, carelessness, recklessness, or improvidence. That happened in cases where the estates were over the value of £500. Then there was the difficulty to which the right hon. and learned Member for Dublin University had referred—the difficulty which many persons had in finding someone to fill the position of trustee. The hon. Member for the West Derby Division of Liverpool had said that the measure should be experimental. It would be experimental; it was not compulsory. It was a facility which was demanded and afforded. If the public availed themselves of it, it would be a success, and if they did not, it would be a dead letter. In that way it would be seen whether there was a real necessity for this legislation.

*MR. RADFORD (Islington, E.) said he was surprised that the hon. and learned Gentleman had not said a word

as to the financial effects of this Bill, especially in reference to the appointment of officers in a large number of small towns.

THE CHAIRMAN said that that had nothing whatever to do with the Amendment before the Committee.

*MR. RADFORD said that he could not support the Amendment of the hon. Member for Liverpool because he thought that the poor man, of whom the hon. Member said he was particularly solicitous, was not likely to profit by it. The poor man would not know that there was such an official as a Public Trustee. The only man outside the House whom he had met who was in favour of this measure was an ill-conditioned millionaire who thought he had not a friend in the world—and in that opinion he was quite right—and said that he would be glad to have a Public Trustee with the security of public funds to administer his estate.

*MR. CAVE (Surrey, Kingston) said that he knew only too much of the losses which had been incurred through the defalcations of private trustees. He thought that the provisions of the Bill as to the appointment of a custodian trustee and as to compulsory audit were excellent; but if it was proposed or intended either at once or eventually to hand over a large number of private trusts to a public official, they were, he believed, going in the wrong direction. The appointment of a public trustee should not be the rule but the exception. He agreed that they should limit the size of the estates to be administered by the public trustee as a general trustee, and he had an Amendment on the Paper to that effect. But he thought that the Committee ought to pause before throwing all ordinary trusts into official management. It had been admitted that the present Bill was going to make a revolutionary change—

THE CHAIRMAN said that the hon. Gentleman was not now speaking to the Amendment.

*MR. CAVE said he could not support this particular Amendment because it

would limit the amount of an estate to be entrusted to the public trustee in his capacity as a custodian trustee.

*MR. BILLSON (Staffordshire, N.W.) said he took it it would not be an ordinary testator who would appoint a public trustee. He had known many cases in which men of the world and not ill-conditioned millionaires desired a public trustee to whom to entrust the administration of their estate. The hon. Gentlemen in charge of the Bill had only said that a public trustee should be available into whose hands trust funds might be placed. He should oppose the Amendment.

*MR. J. M. HENDERSON (Aberdeenshire, W.) said he was not a great believer in this Bill, but he advised the hon. Member for Liverpool to withdraw his Amendment. If a public trustee were appointed he had always been afraid of a charge being placed each year on the Exchequer to support the large administrative staff that would be required for the work. He was not and never had been opposed to the principle of a public trustee. He asked his hon. friend to withdraw his Amendment because if they were to have a charge on the Exchequer it was better they should get big estates as well as little ones into the hands of the public trustee. The difficulty of getting a private trustee had been spoken of, but there was a limited company registered and called "The Public Trustee, Ltd," and further every insurance company and even banks could be appointed trustees and they would all compete. Therefore if they were going to have the Bill, let the public trustee get as many estates as he could. What he was afraid of was that the public trustee would never have enough estates to pay his expenses. Therefore he asked the hon. Member to withdraw his amendment.

MR. WILLIAM RUTHERFORD said that the Attorney-General in making an appeal to him rather misunderstood what he had said, because when the Bill passed the Second Reading last year his was the only voice in the House raised against it. He had never assented to the principle of the Bill. The hon. and learned Gentleman had said that there

were two reasons why this Bill should apply to large as well as small estates. One was that there was a considerable amount of dishonesty that required to be provided against and that if an official trustee were appointed he might be availed of. He would say that there was not one estate in a thousand in which money was lost through default of the trustee. He did not think that there was any kind of business in the country in which there was less dishonesty and loss of money than in the administration of trust estates, and that spoke well for the country. He had often been nauseated when he saw cases in the newspapers about defaulting trustees, because they had been referred to 500 times before; but on each occasion that case was referred to as if it were a new default. The Attorney-General had said that another reason for passing this Bill was that there was great difficulty in testators finding trustees to administer their estates. That was the case some ten or fifteen years ago because of trustees having been made liable to banks and insurance companies for investments even after they had done their best for the estate of the testator. Therefore they fought shy of accepting trusteeships. But since then the air had been cleared, and his experience, which was probably greater than that of any other Member of the House, was that there was now no difficulty in securing gentlemen to act as trustees for private estates. Another point was that if his Amendment were passed it would not do any damage to the audit clauses of the Bill. He would, however, withdraw the Amendment under compulsion.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 1, line 9, at end, to add 'But any instruments sealed by him shall not, by reason of his being a corporation sole, be rendered liable to a higher stamp duty than if he were an individual.'—(*Mr. William Rutherford.*)

Question "That those words be there added," put and agreed to.

Clause 1, as amended, agreed to.

Mr. William Rutherford.

Clause 2.

MR. WILLIAM RUTHERFORD moved to omit the words "for the purpose of saving expense to persons of small means" in sub-section (a), on the ground that they were unnecessary in that place. He wished to alter the position of the words. At present they simply dominated sub-section (a), but if they were put in the position in which he wished them to be they would dominate sub-sections (a) (b), (c) and (d).

SIR JOHN WALTON accepted the Amendment.

Amendment proposed—

"In page 1, lines 14 and 15, to leave out the words 'for the purpose of saving expense to persons of small means.'—(*Mr. William Rutherford.*)

Amendment agreed to.

MR. DUNN (Cornwall, Camborne) moved to omit the words "of small value" in sub-section (a) and insert, "unless the instrument (if any) creating the trust otherwise directs." His object, he said, was to allow the public trustee to administer rich and poor estates alike on the motion of any person who at present had a right to apply for administration to a Court of law. The right hon. Gentleman the Member for Dublin University had pointed out that this was not a compulsory provision, but there was a distinction between the administration of the estate by the ordinary trusteeship under the Act and the action of a custodian trustee who was voluntarily appointed. It was easy to see at a glance that where they had a legatee who was discontented with his legacy he might, although not entitled to apply for administration in a Court of law, come and set the public trustee in motion, while other persons who might have a larger interest than the person aggrieved might not want to have the public trustee. He knew that the word was "may" and not "shall," but the public trustee "may" move in spite of the objection of those other persons who had a larger interest than the person aggrieved. The

Bill provided that the fees paid should be sufficient to discharge the salaries of the officials and other expenses incidental to the working of the Act, and the expenditure might be very large. To a great extent the estates which would come under the management of the trustees would be estates of under £1,000, and this Amendment proposed to do away with that limitation. If the proposal was a good thing for small estates it was a good thing for large estates. If the administration was economical let it also be applied to large as well as to small estates, and then if the experiment was a failure the expense would not fall wholly upon the small estates but upon the large estates also. It was for that reason he proposed this Amendment, so that there should be no difference between rich and poor estates.

Amendment proposed—

"In page 1, lines 15 and 16, to leave out the words 'of small value,' and insert the words 'unless the instrument (if any) creating the trust otherwise directs.'—(*Mr Dunn.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

SIR JOHN WALTON said he had some sympathy with the hon. Member, but he could not accept the Amendment. The object of the measure was to put the administration of estates where the trustee became the administrator into an entirely different category from those in which he acted as custodian trustee, and it had been felt that it was desirable that that category should include only estates of a somewhat limited value. That there should be some limit as to the amount of estates to be dealt with under Clause 2 he thought would be apparent if Clause 3 were looked at. That was to say, they might go to the public trustee and point out that they would be entitled to an administration order. That might be an expensive proceeding. That was an important power to give to an official who was not an officer of the Court, and it was obvious that it could not be extended without any sort of limitation. It was obvious also that a summary power of that kind should be limited, and for that reason in Section 3 it had been

limited to estates of small amount. He hoped the Amendment would not be pressed.

Amendment, by leave, withdrawn.

*MR. CAVE said he now moved his Amendment to limit the power of the public trustee to act as an ordinary trustee to small estates. He had no desire to limit the power of the public trustee to act as custodian trustee, but he did not want to bring about a state of things by which a number of trusts would come into the hands of the public trustee as an ordinary trustee. Everyone knew that millions of money were in the hands of private trustees, and by far the greater part of those trusts were being administered carefully and with every desire to keep to the terms of the trust, and to consider the wishes of the beneficiaries, and were administered at little or no expense. In ninety-nine cases out of a hundred no harm resulted. When a beneficiary desired to change his investments he went to his trustees and put his case before them, and the matter was considered. But if the power were transferred to the public trustee rules would have to be complied with and the investments chosen might be such as would give a small income instead of a large one; the beneficiaries would lose, and nobody would gain except the officials employed in a Government office. He did not think that was a state of things that the country desired. The hon. and learned Gentleman had said that all the Bill did was to enable a testator to appoint the public trustee as his trustee, but that was not so. It went further and enabled the person having power to appoint new trustees, to appoint the public trustee, and it enabled a beneficiary to go to the Court and ask for the appointment of this public trustee. This was an experiment, and the Government had very properly limited the amount in respect to the administration of estates, and he did not see why they should not limit the amount in regard to ordinary private trusts. He asked the Committee to consider whether it was not a wise thing to do. He did not propose to put so small a limit as that moved by his hon. friend on a

previous Amendment, but he proposed by a subsequent Amendment to limit it to estates not exceeding £2,000. With the hope that the hon. and learned Gentleman would give it his careful attention, he begged to move.

Amendment proposed—

"In page 1, line 18, after the word 'trustee' to insert the words 'in cases where the trust property is of small value.'"—(*Mr. Cave.*)

Question proposed, "That those words be there inserted."

SIR JOHN WALTON said the proposal was one of weight, but he felt it would be unwise to fetter by this financial limit the discretion of the Court, or of the public trustee, or to limit the rules which the Lord Chancellor might make in the matter. The adoption of the Amendment would leave many estates outside the reach of this beneficial legislation, and would largely curtail its useful experimental character.

MR. WILLIAM RUTHERFORD said it would relieve the anxieties of many Members on both sides of the House if the hon. and learned Gentleman would give some indication of whether he would limit the operation of the ordinary trustee to some reasonable amount of estate. If he could give some idea that an Amendment would, either at this or some subsequent stage of the Bill, be accepted, it would relieve them of a good deal of anxiety. With regard to larger estates, the Bill, it was quite clear, should be experimental.

Question put, and negatived.

SIR JOHN WALTON moved an Amendment to enable the public trustee to take possession of the estates of persons convicted of a felony, and whose estates were in the hands of the Crown.

Amendment proposed—

"In page, 1 line 19, at end to insert—(e) be appointed to be the administrator of the property of a convict under the Forfeiture for Felony Act, 1870."—(*Sir John Walton.*)

Question, "That those words be there inserted," put, and agreed to.

Mr. Cave.

MR. DUNN moved an Amendment to prevent the trustee refusing to take up an estate because of the character or disposition of the cestuique trust or beneficiary. There were persons who would go two or three times a day to know how a trust was progressing and such persons would be known to the public trustee, but he did not think it would be right for him to say, "I will have nothing to do with this estate, because if I do I shall be pestered to death." In order that the public trustee might not pick and choose, he moved the Amendment.

Amendment proposed—

"In page 2, line 9, after the word 'property,' to insert the words 'or the character or disposition of the cestuique trust or beneficiary.'"—(*Mr. Dunn.*)

SIR JOHN WALTON explained that the words were necessary.

MR. DUNN asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

MR. WILLIAM RUTHERFORD said the next three Amendments standing in his name practically amounted to a Motion to leave out all the words in sub-section (4) after the word "business." In the first place there was no indication whatever as to what rules might be made although reference was made "to rules under this Act."

SIR JOHN WALTON said the rules which the Lord Chancellor would make under this section were simply rules to allow the business to be carried on.

MR. WILLIAM RUTHERFORD said if the intention in these rules was to confine the expenditure to cases where the business was carried on simply for the purpose of winding up such business there could be no objection to the words remaining.

*MR. R. PEARCE asked why the words "except for the purpose of winding up such business" should not be inserted if that was all that was intended. He would move the insertion of such words.

Amendment proposed—

"In page 2, line 11, after the word 'business' to insert the words 'except for the purpose of winding up such business.'"—(*Mr. R. Pearce.*)

Question proposed, "That those words be there inserted."

SIR JOHN WALTON pointed out that the insertion of these words was not required to secure the object of the Amendment.

Amendment, by leave, withdrawn.

MR. WILLIAM RUTHERFORD move to leave out the words "nor any trust under a deed of arrangement for the benefit of creditors." If the words in question were to make it clear that the public trustee was not to become the liquidator of the estate, he agreed with them, but if they were to have a more extended application, and prevent the public trustee from undertaking any trust where there happened to be a trust for payment of debts or expenses he thought the words would be found to be very objectionable and would probably lead to a mass of litigation. He certainly thought the public trustee should have the right to refuse in his district any kind of trust so long as it was understood that he was not going to be a winder-up. If he took that attitude, there was no occasion to insert these words which might create a confusion which was entirely unnecessary.

Amendment proposed—

"In page 2, lines 13 and 14, to leave out the words 'nor any trust under a deed of arrangement for the benefit of creditors.'"—(*Mr. William Rutherford.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

SIR JOHN WALTON thought the hon. Member would recognise that a technical expression appeared in the matter which was quite intelligible to persons engaged in the practice of the law. It would not do to deprive persons of the right to have an estate administered in this way simply because there were trusts in settlement, but he did not think such a settlement

could be properly described as a deed of arrangement, and it was intended that the function of the public trustee should be kept as widely as possible apart from the functions of the official liquidator or the trustee in bankruptcy or from functions which were connected with the winding-up of insolvent estates. The words had been used with that object.

MR. WILLIAM RUTHERFORD begged leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

MR. WILLIAM RUTHERFORD moved an Amendment to leave out the words which provided that the public trustee should not accept any trust which involved the administration of an insolvent estate. He said in a very large number of cases estates which were understood to be solvent turned out to be insolvent and *vice versa*.

Amendment proposed—

"In page 2, line 14, to leave out the words 'nor the administration of any insolvent estate.'"—(*Mr. William Rutherford.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

SIR JOHN WALTON said he quite appreciated the point, and he was prepared to accept the Amendment of the hon. Member for Watford if that would meet the point.

MR. WILLIAM RUTHERFORD said that quite met the point, and he would ask permission to withdraw his Amendment.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 2, line 14, to leave out the words 'insolvent estate,' and to insert the words 'estate known or believed by him to be insolvent.'"—(*Mr. Micklem.*)

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 :—

MR. WILLIAM RUTHERFORD moved to omit the words in the first line "apply to" for the purpose of substituting "an order of." Anybody was entitled to apply for, although they might not be entitled to an order, and those who were to have this privilege ought to be the persons who were entitled to an order, which was quite a different thing. Although this Amendment looked simple as far as the words were concerned, it was nevertheless of considerable importance.

Amendment proposed—

"In page 2, line 22, to leave out the words 'apply to,' and insert the words 'an order of.'"—(*Mr. William Rutherford.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

SIR JOHN WALTON admitted that the words of the clause were open to misconception. He suggested that they should omit the words "entitled to apply to" in order to insert "who in the opinion of the public trustee would be entitled to an order of."

MR. WILLIAM RUTHERFORD said he was willing to accept those words, and asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 2, line 22, to leave out the words 'entitled to apply to,' and insert the words 'who in the opinion of the public trustee would be entitled to an order of.'"—(*Sir John Walton.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. MICKLEM pointed out that at the present time nobody was entitled to an order, and all that they had was a right to apply. He suggested that the words should be "any person who, in the opinion of the public trustee, is entitled to apply for an order of."

MR. WILLIAM RUTHERFORD said the Attorney-General's words were quite

satisfactory, and if they were found to be unsuitable they could be put right on the Report stage. Any person who was reasonably entitled to an order should be at liberty to apply.

*MR. BERTRAM (Hertfordshire, Hitchin) said there was a great difference between a man making an application and being entitled to make an application. The words suggested by the hon. Member for Watford would limit the privilege to the person who was entitled to apply for an order. No one was nowadays entitled, as of right, to an order for administration, and the class of persons entitled to apply for such an order was strictly limited and easily ascertained.

*MR. R. PEARCE said it was very desirable that beneficiaries should be entitled to apply for an order asking the public trustee to take up the administration of a small estate.

SIR JOHN WALTON said that, upon reflection, he felt inclined to adopt the words suggested by the hon. Member for Watford, and he hoped the hon. Member for the West Derby Division of Liverpool would be satisfied with the alteration. He begged leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 2, line 22, to leave out the words 'entitled to apply to,' and to insert the words 'in the opinion of the public trustee would be entitled to apply for an order of.'"—(*Sir John Walton.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. WILLIAM RUTHERFORD said he was sorry that the Attorney-General had allowed himself to be talked out of his own Amendment by an hon. Member behind him. He withdrew his own Amendment in favour of that proposed by the Attorney-General, and he thought it was rather unfair to him that the hon. and learned Gentleman should now withdraw his Amendment. The effect of the original Amendment was—

THE DEPUTY-CHAIRMAN: We cannot go into the effect of the original Amendment which was withdrawn.

MR. WILLIAM RUTHERFORD: On a point of order. I am entitled to have my original Amendment reinstated.

THE DEPUTY-CHAIRMAN: No, it cannot be reinstated; it was withdrawn.

MR. WILLIAM RUTHERFORD said his Amendment was withdrawn on a promise which had not been carried out.

Question put and negatived.

Words proposed there inserted.

Amendments proposed—

"In page 2, line 23, after the second 'the' to insert the word 'gross.'"

"In page 2, line 27, after the word 'persons' to insert the words 'other than creditors.'—(*Mr. Micklem.*)

Amendments agreed to.

Amendment proposed—

"In page 2, line 27, after the word 'creditors' to insert the word 'beneficially.'"

Question, "That the word 'beneficially' be there inserted," put, and agreed to.

MR. WILLIAM RUTHERFORD said the next Amendment he had to propose was to make it clear that an estate, whether it was worth £50 or £950, should be administered by the person whom the testator had appointed, or the trustees of a settlement, unless it could be made manifest to the public trustee that the estate would be mal-administered, and that someone would be injured if he did not take it over. He hoped the Attorney-General would accept the Amendment.

Amendment proposed—

"In page 2, line 28, after the word 'means' to insert the words 'and that the estate would be likely to be mal-administered otherwise.'—(*Mr. William Rutherford.*)

Question proposed, "That the words be there inserted."

*SIR JOHN WALTON said that the Amendment would unduly limit the scope and object of the clause, which was intended not only to provide a method of administration in reference to estates in danger of mal-administration, but also to provide a cheap method of administration in small estates as an alternative to what would be a more elaborate and costly system. Moreover, the Amendment would impose upon the public trustee an invidious duty without giving him the means by which he could make the necessary inquiries.

MR. WILLIAM RUTHERFORD said that the Courts to-day never made an order for the administration of any estate, however small, unless it could be shown that there was some reason to suspect that something was wrong in the action of the trustees appointed by the testator. That was all that he wanted. For half a century they had been trying to release themselves from official control in the management of estates. He knew that it was no use his going to a division, but he wished to raise his solemn protest against the Government's handing over the administration of small estates to officials without any suggestion that there was likely to be mal-administration.

Question put, and negatived.

*MR. BERTRAM (Hertfordshire, Hitchin) moved an Amendment to provide that on the public trustee's undertaking to administer an estate, the trust property, other than stock, should vest in him: This would bring the wording of the clause into line with the Trustee Act 1893, and the Definitions Clause at the end of the Bill.

Amendment proposed—

"In page 2, line 32, to leave out from the word 'estate' and to insert the words

'trust property other than stock.'—(*Mr. Bertram.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

Question put, and negatived.

SIR JOHN WALTON accepted the Amendment.

Amendment proposed—

"In page 2, line 35, to leave out the word 'a,' and insert the words 'as if vesting orders had been made.'"—(*Mr. Bertram.*)

Amendment agreed to.

MR. MICKLEM said it was quite certain that under the Bill questions might arise between the original trustees and the public trustee. The Amendment which he proposed to add to sub-section (2) provided for an indemnity to the original trustees at the time when the trust was handed over to the public trustee, except in respect of past acts.

Amendment proposed—

"In page 2, line 37, at end, to add the words, 'and from such vesting any trustee entitled under the trust to administer the estate shall be discharged from all liability attaching to the administration, except in respect of past acts.'"—(*Mr. Micklem.*)

Question proposed, "That the words be there inserted."

SIR JOHN WALTON said he did not think the words were required, but he saw no objection to accepting them.

MR. WILLIAM RUTHERFORD moved to leave out sub-section (3), which provided that the public trustee might exercise such of the powers of the High Court as might be conferred upon him, subject to certain conditions. He said that in a few years the public trustee would have become a Judge

having the powers of the High Court. The effect of the proposal would be to establish another set of judicial functionaries in the kingdom. The public trustee would have to deal with small estates in Cornwall and Yorkshire, and if the Act were extended to Ireland and Scotland, with that class of estates in remote parts of Ireland or Aberdeen. Naturally the public trustee would have his office in London. The result would be that all the advantage we now had of using the County Courts for dealing with small estates would be lost. Applications in regard to estates of under £50 would have to be made in London, and probably another large public office would have to be built in Whitehall to accommodate the public trustee and his assistants. By this means the Government would create the most difficult, and most absurd tribunal which by legislation it had ever been sought to set up in this country. He could not too strongly protest, not only against the appointment of this public trustee, who was to be given judicial functions, but against a single official being appointed to sit in London to deal with estates all over the country. He objected to judicial powers being given to one man who would be trusted alone to deal with matters. They had come to a point where it seemed to him they ought to protest as strongly as they could against the provisions of the Bill.

Amendment proposed—

"In page 2, line 28, to leave out sub-section (3)."—(*Mr. William Rutherford.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

*SIR JOHN WALTON said the whole object of the clause was to lead to simplicity and economy and to prevent estates being wound up in Chancery. Under these circumstances the public trustee, who would be responsible, must as a matter of administration have some powers to enable him to discharge his duties.

MR. MICKLEM had great difficulty in seeing the necessity for the clause or its beneficial nature. He thought the clause might be omitted.

*MR. BERTRAM (Hertfordshire, Hitchin) wished to say a word in favour of the clause. It was often necessary, even in the case of very small estates, to make applications to the Court for leave to take some formal step, and it was desirable that power should be given to the official trustee to do what might be necessary without going to the High Court.

*MR. J. M. HENDERSON (Aberdeen-shire, W.) pointed out that it was provided that the Act should not apply to Ireland or Scotland as hon. Members seemed to assume. He did not understand what were the powers to be given to the official trustee. If he was to have judicial functions he disagreed, but if he was to have administrative powers he agreed to that proposal.

MR. WILLIAM RUTHERFORD reiterated that if these powers were conferred upon a single individual sitting in London to deal with small estates the effect would be that the jurisdiction of the County Court would be ousted. The whole policy of the legal system of the country was to bring justice home to the doors of the people. If this matter were referred to a Central Board in London, it would not be satisfactory, and in the end they would have to have a hydra-headed trustee with a representative in every town. If this proposal were carried it would mean that they would have to have a new Chancery Judges sitting in London to deal with small estates. For these reasons he respectfully insisted upon his Amendment.

MR. DUNN said they had been assured by the Attorney-General that the clause was merely a matter of administration and did not confer judicial power. He suggested that they should, after the first "the" in line 39, insert "administration."

THE CHAIRMAN said that if the Amendment before the Committee was withdrawn that Amendment could be moved.

SIR E. CARSON urged the acceptance of the suggested alternative Amendment.

SIR JOHN WALTON said he would consent to the words suggested in amendment of that sub-section.

MR. WILLIAM RUTHERFORD said he would withdraw his Amendment if the words suggested were inserted.

Amendment, by leave, withdrawn.

Amendment proposed—

In page 2, line 39, after the first 'the' to insert the word 'administration.'—(Mr. Dunn.)

Amendment agreed to.

MR. WILLIAM RUTHERFORD moved to leave out all the words after "administration." He said if these words were left out and the clause ended with the word "administration" it would meet every purpose. If the opinion of the High Court had to be taken it was obvious that there must be some amount of judicial proceeding. Again, it was perfectly obvious that whatever rules were made a certain amount of expense and complication was bound to arise. If the rules were made with intelligence they would make the procedure as simple and inexpensive as possible. But why should they complicate the matter by putting into the Bill words of the sort he proposed to leave out. Why not say the rules should be made in order to enable the trustee to obtain the opinion of the High Court? He begged to move.

Amendment proposed—

"In page 3, line 3, to leave out from the word 'administration,' to end of sub-section."—(Mr. William Rutherford.)

Question proposed, "That the word proposed to be left out stand part of the clause."

*SIR JOHN WALTON said the object of this clause might be very briefly stated. If no rules were prepared and no power was to be given to the public trustee to obtain the opinion of the Court in the inception of a matter he would only be able to approach the tribunal in the ordinary way as a private trustee, which

might be a more or less costly proceeding. In dealing with these small estates it was hoped to escape all that expense and therefore it was provided that the opinion of the Court might be obtained by this official without resort to the same proceeding as the private trustee. Under ordinary circumstances the procedure would be prescribed by the rules. He imagined that the result would be that the public trustee might have a right to resort to the Court, it might be by some document which might raise a point of law, without expense. He could not imagine why anyone who desired to ensure inexpensive administration of these estates should seek to omit these words. He hoped the hon. Gentleman would not press the Amendment.

Amendment, by leave, withdrawn.

MR. DUNN moved to substitute "estate being under the value of £1,000" for the words "small value of estate." That, he thought, would get rid of the objection of leaving the Court to decide the very difficult question of what was a small estate. He moved.

Amendment proposed—

"In page 3, lines 7 and 8, to leave out the words 'small value of the estate,' and insert the words 'Estate being less than £1,000.'—*(Mr. Dunn.)*

Question proposed, "That the word 'small' stand part of the Clause."

SIR JOHN WALTON said the hon. Gentleman by this Amendment sought unduly to fetter the discretion of the Court. He would have observed that this clause dealt with an entirely different state of things from that with which the public trustee had to deal in the earlier part of the Bill. That was to say, that in an application to the Court he would prevent the Judge coming to the conclusion that the estate was a small estate, that the people were poor people, that this would cause a great expense, and that under the circumstances it was advisable that the estate should be handed over to the public trustee.

MR. DUNN said he quite appreciated the point. He had intended his Amend-

Sir John Walton.

ment to be an extending Amendment, but in the form it was moved it became a restricting Amendment, and he therefore begged leave to withdraw it.

Amendment, by leave, withdrawn.

Motion made, and Question proposed, "That Clause 3, as amended, stand part of the Bill."

MR. WILLIAM RUTHERFORD said he understood that the limit of £1,000 applied to the whole of Clause 3, because although the capital value was first mentioned in the second line of the first sub-section, the whole clause was headed "in the administration of small estates." If that was so it would meet all the difficulties which the hon. Member for Camborne raised by his Amendment. When there was a clause with two or three sub-sections, and one referred to a £1,000 limit, whilst in the other cases there were only general words about the smallness of the estate, they might be held to refer to estates under £100. Was it understood that £1,000 was to refer to the whole of the sub-sections?

SIR E. CARSON hoped the Attorney-General would adhere to the clause as it stood. It might be that the Court found that there was nothing to be done but pure administration; and it was almost a disgrace to keep the matter in the Courts, involving expense, when it could be handed over to somebody and the money divided in accordance with the wishes of the testator.

Question put, and agreed to.

Clause 4:—

MR. MICKLEM moved an Amendment to provide that the public trustee might be appointed to be custodian trustee of any trust in any case where the Court was of opinion that, having regard to the nature of the trust estate or its protection or security, or the wishes of the beneficiaries, such an appointment was desirable. As the Bill was drafted there was nothing to indicate on what principle the order should proceed. He thought there ought to be some indication on the face of the Act as to the grounds for the appointment.

Amendment proposed—

"In page 3, line 23, after the word 'trustee,' to insert the words 'in any case where the Court shall be of opinion that, having regard to the nature of the trust estate, or its protection or security or the wishes of the beneficiaries, such an appointment is desirable.'"
—(Mr. Mickleth.)

Question proposed, "That those words be there inserted."

SIR JOHN WALTON agreed that the considerations in the Amendment were such as would influence the Court in making an order for the appointment. They were obvious considerations, and he could not understand how any applications could be determined without regard being paid to them. Therefore he did not agree that the words were necessary, and that being so, they were dangerous, because the moment they began to specify considerations they were apt to be construed as the only considerations that ought to be regarded.

Question put, and negatived.

MR. WILLIAM RUTHERFORD moved to leave out sub-section (c), which prescribes one of the methods by which the custodian trustee may be appointed, namely, "by the person having power to appoint new trustees." There were, he said, three ways of appointing a custodian trustee. The first was that in which the Court made an order, the second in which the testator, settler, or other creator of any trust appointed the trustee, and the third, which he desired to leave out, by the person having power to appoint new trustees. The effect of this section, if passed, would be that a trustee on a large estate might want to get rid of his trust, possibly under circumstances in which he ought not to. Should there be a right to complicate the trust at an inconvenient juncture? Was the individual to import one or other of these fancy trustees into that particular trust? It was perfectly unreasonable to allow the retiring trustee, who would in ninety-nine cases out of a hundred be the person referred to in sub-section (c), to say how the estate was to be conducted in the future.

Amendment proposed—

"In page 3, line 25, to leave out sub-section (c)."—(Mr. William Rutherford.)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. EUGENE WASON said that if the hon. Gentleman would refer back to the beginning of the clause he would see that the public trustee would only consent to the appointment in question if he thought fit, so that there was no obligation upon him. He begged the hon. Member to allow the Bill to proceed.

SIR E. CARSON said that where a person having power to appoint new trustees came to the conclusion that the public trustee was the best possible person to appoint, he ought to appoint him.

MR. MICKLETH said that if the testator or settler deliberately left out the public trustee, it was a strange thing to say that a person who had only a modified interest in the estate, but had power of appointment, should appoint the public trustee, and thus take the property out of the hands of the managing trustees.

Amendment negatived.

Amendment proposed—

"In page 3, line 25, after the word 'trustees' to insert the words 'if, expressly authorised in that behalf by the will, settlement, or other instrument creating the trust.'"
(Mr. Mickleth.)

Question proposed, "That those words be there inserted."

SIR E. CARSON opposed the Amendment on the ground that if it were accepted the Bill would not operate in respect of existing wills and settlements. In case a testator who had no opportunity of judging did not put into the will the words here proposed, there would be no alternative but to appoint probably a man of straw, although there was the Government official who might be appointed and who would keep the property perfectly safe.

SIR JOHN WALTON said it would be a relief to the trustees to have some person who could be charged with the

custody of the property. The balance of the argument was in favour of leaving the sub-section as it stood.

*MR. J. M. HENDERSON said that this provision provided that any trustee should be able to go to the public trustee and get him appointed as the custodian trustee, and so remove the securities out of danger, which was one of the great objects they had in view in this Bill.

MR. WILLIAM RUTHERFORD said it had been stated that this clause would enable a trustee who was dissatisfied

with a co-trustee to require a custodian trustee to be appointed. That was exactly what the clause did not do. There was not one word in it which enabled one of the trustees to make the other trustee do anything at all. He was very much in favour of the words of the Amendment, as it would have the effect of preventing hardships which might otherwise arise.

Question put.

The Committee divided :—Ayes, 17 ;
Noes, 213. (Division List No. 500.)

AYES.

Banner, John S. Harmood-
Beckett, Hon. Gervase
Berridge, T. H. D.
Boyle, Sir Edward
Bull, Sir William James
Fell, Arthur
Finch, Rt. Hon. George H.

Keswick, William
Pearce, Robert (Staffs. Leek)
Radford, G. H.
Rawlinson, John Frederick Peel
Salter, Arthur Clavell
Scott, Sir S. (Marlyebone, W.)
Smith, F.E. (Liverpool, Walton)

Thomson, W. Mitchell-(Lanark)
Walker, Col. W. H. (Lancashire)
Whitley, J. H. (Halifax)

TELLERS FOR THE AYES—Mr.
Micklem and Mr. Watson
Rutherford.

NOES.

Acland-Hood, Rt. Hn. Sir Alex. F.
Adkins, W. Ryland D.
Agnew, George William
Ainsworth, John Stirling
Allen, A. Acland (Christchurch)
Allen, Charles P. (Stroud)
Anson, Sir William Reynell
Armitage, R.
Asbury, John Meir
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Balfour, Robert (Lanark)
Banbury, Sir Frederick George
Baring, Godfrey (Isle of Wight)
Barker, John
Barlow, Percy (Bedford)
Barnes, G. N.
Barran, Rowland Hirst
Beauchamp, E.
Beamont, Hn. H. (Eastbourne)
Beaumont, Hn. W. C. B. (Hexham)
Bell, Richard
Bennett, E. N.
Bertram, Julius
Billson, Alfred
Black, Alexander Wm. (Banff.)
Boland, John
Bowerman, C. W.
Brace, William
Bramsdon, T. A.
Branch, James
Brigg, John
Brooke, Stopford
Buchanan, Thomas Ryburn
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Byles, William Pollard
Cairns, Thomas
Campbell-Bannerman, Sir H.
Carlike, E. Hildred
Carr-Gomm, H. W.

Carson, Rt. Hon. Sir Edw. H.
Causton, Rt. Hn. Richard Knight
Cawley, Sir Frederick
Cecil, Lord R. (Marylebone, E.)
Chamberlain, Rt. Hn. J. A. (Worc.)
Chance, Frederick William
Channing, Sir Francis Allston
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Cleland, J. W.
Clough, William
Clynes, J. R.
Cobbold, Felix Thornley
Collins, Sir W. (J. S. Pancras, W.)
Cooper, G. J.
Corbett, CH (Sussex, E. Grinst'd
Cowan, W. H.
Cox, Harold
Craig, Herbert J. (Tynemouth)
Cremmer, William Randal
Crooks, William
Crossley, William J.
Davies, W. Howell (Bristol, S.)
Duncan, C. (Barrow-in-Furness)
Dunn, A. Edward (Camborne)
Essex, R. W.
Fenwick, Charles
Everett, R. Lacey
Feres, T. R.
Ffrench, Peter
Findlay, Alexander
Fullerton, Hugh
Gilhooly, James
Gill, A. H.
Ginnell, L.
Gladstone, Rt. Hn. Herbert Jn.
Goddard, Daniel Ford
Greenwood, G. (Peterborough)
Gurdon, Sir W. Brampton
Gwynn, Stephen Lucius
Halpin, J.

Hamilton, Marquess of
Harcourt, Rt. Hon. Lewis
Hardie, J. Keir (Merthyr Tydvil)
Hart-Davis, T.
Harvey, A. G. C. (Rochdale)
Harwood, George
Haslam, Lewis (Monmouth)
Haworth, Arthur A.
Hazel, Dr. A. E.
Hedges, A. Paget
Helme, Norval Watson
Henderson, Arthur (Durham)
Henderson, J. M. (Aberdeen, W.)
Herbert, Col. Ivor (Mon., S.)
Hervey, F. W. F. (Bury S. Edm'ds)
Higham, John Sharp
Hills, J. W.
Hobart, Sir Robert
Hogan, Michael
Hope, W. Bateman (Somerset, N)
Horniman, Emslie John
Howard, Hon. Geoffrey
Hudson, Walter
Hunt, Rowland
Idris, T. H. W.
Jackson, R. S.
Jardine, Sir J.
Johnson, John (Gateshead)
Johnson, W. (Nuneaton)
Jones, Sir D. Brynmor (Swansea)
Kearley, Hudson E.
Kekewich, Sir George
Kincaid-Smith, Captain
Laidlaw, Robert
Lamb, Ernest H. (Rochester)
Lambert, George
Law, Andrew Bonar (Dulwich)
Lee, Arthur H. (Hants., Fareham)
Lehmann, R. C.
Lever, A. Levy (Essex, Harwich)
Levy, Maurice

Sir John Walton.

Lloyd-George, Rt. Hon. David
 Lough, Thomas
 London, W.
 Macnamara, Dr. Thomas J.
 MacVeagh, Jeremiah (Down, S.
 M'Callum, John M.
 M'Crae, George
 M'Kean, John
 M'Kenna, Reginald
 M'Killop, W.
 M'Micking, Major G.
 Maddison, Frederick
 Manfield, Harry (Northants)
 Marks, G. Croydon (Launceston)
 Massie, J.
 Mond, A.
 Money, L. G. Chiozza
 Morgan, G. Hay (Cornwall)
 Murphy, John
 Nicholson, Chas. N. (Doncast'r
 Nolan, Joseph
 Norton, Capt. Cecil William
 O'Brien, Kendal (Tipperary Mid
 O'Brien, Patrick (Kilkenny)
 O'Connor, John (Kildare, N.)
 O'Kelly, James (Roscommon, N
 Parker, James (Halifax)
 Partington, Oswald
 Paul, Herbert
 Power, Patrick Joseph
 Price, C. E. (Edin'gh, Central)
 Rainy, A. Rolland

Rea, Walter Russell (Scarboro'
 Reddy, M.
 Redmond, John E. (Waterford)
 Redmond, William (Clare)
 Rendall, Athelstan
 Richards, Thomas (W. Monm'th
 Richards, T. F. (Wolverh'mpt'n
 Richardson, A.
 Rickett, J. Compton
 Roberts, Charles H. (Lincoln)
 Roberts, G. H. (Norwich)
 Roberts, John H. (Denbighs.)
 Robertson, J. M. (Tyneside)
 Robinson, S.
 Robson, Sir William Snowdon
 Rogers, F. E. Newman
 Samuel, Herbert L. (Cleveland)
 Scott, A. H. (Ashton under Lyne
 Seddon, J.
 Seely, Major J. B.
 Shackleton, David James
 Shaw, Charles Edw. (Stafford)
 Shaw, Rt. Hon. T. (Hawick B.)
 Sherwell, Arthur James
 Shipman, Dr. John G.
 Silcock, Thoms Ball
 Smeaton, Donald Mackenzie
 Soares, Ernest J.
 Spicer, Sir Albert
 Steadman, W. C.
 Stewart-Smith, D. (Kendal)
 Strachey, Sir Edward

Straus, B. S. (Mile End)
 Sullivan, Donal
 Summerbell, T.
 Talbot, Lord E. (Chichester)
 Tomkinson, James
 Toulmin, George
 Trevelyan, Charles Philips
 Ure, Alexander
 Valentia, Viscount
 Vincent, Col. Sir C. E. Howard
 Walton, Sir John L. (Leeds, S.)
 Ward, Jn. (Stoke upon Trent)
 Wason, Eugene (Clackmannan)
 Waterlow, D. S.
 Watt, H. Anderson
 Wedgwood, Josiah C.
 White, George (Norfolk)
 White, J. D. (Dumbartonshire)
 White, Patrick (Meath, North)
 Whittaker, Sir Thomas Palmer
 Wills, Thomas
 Wilson, Henry J. (York, W.R..
 Wilson, J. H. (Middlesbrough)
 Wilson, W. T. (Westhoughton)
 Winfrey, R.
 Wood, T. M'Kinnon

TELLERS FOR THE NOES—Mr.
 Whiteley and Mr. Herbert
 Lewis.

MR. MICKLEM said he understood the Attorney-General intended to accept his next Amendment.

Amendment proposed—

"In page 3, line 34, to leave out sub-section (b) and insert, '(b) As between the custodian trustee and the managing trustees, and subject and without prejudice to the rights of any other persons, the custodian trustee shall have the custody of all documents of title relating to the trust property.'"—(Mr. Micklem.)

Question proposed, "That sub-section (b) of Clause 4 stand part of the Clause."

MR. WILLIAM RUTHERFORD said it was quite clear that this Amendment ought to be adopted, because there were numerous cases in which the managing trustees had not the custody of all documents.

Question put, and negatived.

Question proposed, "That those words be there inserted."

*MR. BERTRAM moved to insert in line 3 of the Amendment after the word 'all' the words 'securities and,' in order to provide that stock certificates and

bonds should be included as well as legal documents and title deeds.

Amendment proposed to the proposed Amendment—

"In line 3, after the word 'all,' to insert 'securities and.'"—(Mr. Bertram.)

Question, "That those words be there inserted in the proposed Amendment," put, and agreed to.

Words proposed, as amended, there inserted.

MR. WILLIAM RUTHERFORD said he hoped the Attorney-General would see his way to accept his next Amendment which entitled the managing trustee to have access to all documents, and to take extracts from them.

Amendment proposed—

"In page 3, line 35, at end, to insert the words 'but all interested parties, including the ordinary trustees and the managing trustees, shall have free access thereto, and be entitled to take copies or extracts thereof.'"—(Mr. William Rutherford.)

SIR JOHN WALTON said he would certainly accept the latter part of the

Amendment which would enact that the managing trustees should have free access to the documents and be entitled to take copies of and extracts from them. If the hon. Member would limit his Amendment to those words he would accept it.

MR. WILLIAM RUTHERFORD said he would move the Amendment in that way.

THE CHAIRMAN said the best way would be for the hon. Gentleman to withdraw his Amendment and move it in its altered form.

MR. WILLIAM RUTHERFORD said he would withdraw the Amendment.

Amendment, by leave, withdrawn.

Amendment proposed—

“In page 3, line 35, at the end, to insert the words, ‘but the managing trustees shall have free access thereto, and be entitled to take copies or extracts thereof.’—(*Mr. William Rutherford.*)

Question “That those words be there inserted,” put, and agreed to.

MR. WILLIAM RUTHERFORD moved the omission of the words providing that the custodian trustee should not concur in any act the effect of which might be to vest in him property involving a personal liability on him in respect of calls on shares. He did not see why the trustee should take over the whole estate and leave out shares as to which there might be only a nominal liability.

SIR JOHN WALTON accepted the Amendment.

Amendment proposed—

“In page 4, to leave out lines 10 to 14 inclusive.”—(*Mr. William Rutherford.*)

Amendment agreed to.

Amendments proposed—

“In page 4, line 14, to leave out subsection (e).”—(*Mr. Micklem.*)

Sir John Walton.

“In page 4, line 28, after the word ‘direct,’ to insert the words ‘or into such bank to the credit of such person as they may direct.’”—(*Mr. William Rutherford.*)

“In page 5, line 16, to leave out subsection (3), and insert, ‘(3) The provisions of this section shall apply to any banking or insurance company or other body corporate entitled by rules made under this Act to act as custodian trustee, with power for such company or body corporate to charge and retain or pay out of the trust property fees not exceeding the fees chargeable by the public trustee as custodian trustee.’”—(*Mr. Micklem.*)

Amendments agreed to.

MR. DUNN moved that an Amendment to provide that solicitors might become custodian trustees. He said he moved this Amendment because custodian trustees had for the first time been given a legal status. The Government had recognised the advisability of appointing bankers and insurance companies, and a clause had been inserted for the purpose. There was a body of men known as “family solicitors” who had practically been custodian trustees for many years. It might be said that some of them had abused their trusts, but they were exceptions and exceptions were not the rule. He proposed by this Amendment to permit the Court to appoint a solicitor as a custodian trustee, and he safe-guarded matters by directing that he should give such security as the Court might direct in making the appointment. He hoped the Attorney-General would accept the Amendment which, in practice, he thought would be found very advantageous.

Amendment proposed—

“In page 5, line 31, to insert the words, ‘Provided that any solicitor may be appointed custodian trustee provided he gives security for the due administration of the trust in such manner and for such amount as the order making the appointment shall direct.’”—(*Mr. Dunn.*)

Question proposed, “That those words be there inserted.”

*SIR JOHN WALTON said the acceptance of the Amendment would be unfortunate from the point of view

of the inference that might be drawn from it. It would be invidious to suggest that members of an honourable profession should be compelled to give security. By this Bill they were only providing for a public trustee acting as a custodian trustee. They were making a provision for safeguarding the trust where persons were dissatisfied. In such a case it was desirable that the property should go into the hands of a public official. The only reason for the insertion of the clause was that it was part of the business of bankers and insurance societies to take charge of securities and valuables of all sorts. A solicitor might be a poor man, though he was none the worse for that, with only one small room, which he occupied himself, and no place in which to keep property or securities. He saw no reason why solicitors should wish to become mere custodians of property over which they had no function of administration.

Amendment, by leave, withdrawn.

Clause 4, agreed to as amended.

Clause 5:—

Amendment proposed—

"In page 5, line 41, after the words 'new trustee' to insert the words 'or as an additional trustee.'"—(*Mr. Mills.*)

Amendment agreed to.

Amendment proposed—

"In page 6, line 9, to leave out subsection (3),"—(*Mr. Dunn.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

SIR E. CARSON said if they took away from the testator the right of handing over the property to the public trustee they would seriously infringe one of the main principles of the Bill.

MR. MICKLEM hoped the Committee would not agree to allow this sub-section to be omitted.

SIR JOHN WALTON said he could not agree to the Amendment.

MR. DUNN asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 6, line 12, to leave out the words 'unless the court otherwise order.'"—(*Mr. Micklem.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

SIR JOHN WALTON said he could not accept this Amendment.

MR. R. PEARCE supported the Amendment.

Amendment negatived.

Amendment proposed—

"In page 6, line 20, to leave out the words 'one week,' and insert the words 'twenty-one days.'"—(*Mr. Micklem.*)

Amendment agreed to.

Amendment proposed—

"In page 6, line 23, to leave out from the word 'made,' to end of sub-section, and insert the words, 'a person dealing in good faith with the public trustee is not concerned to inquire respecting the giving of any such notice as is required by this section.'"—(*Mr. Micklem.*)

SIR JOHN WALTON said that serious consequences might follow from the adoption of this Amendment, and he could not accept it.

MR. MICKLEM asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 6, line 26, after the word 'trustee,' to insert the word 'or.'"

"In page 6, line 26, to leave out the words 'or next person in the entail.'"

"In page 6, line 27, to leave out the word 'in,' and to insert the word 'under.'"—(*Mr. Micklem.*)

"In page 6, line 30, after the word 'accordingly,' to insert the words 'even though there is no vacancy.'"—(*Mr. Hills.*)

Amendments agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

THE CHAIRMAN: The Amendments to Clause 7 must be held over until the other clauses have been disposed of.

Clause 8:—

*MR. R. PEARCE moved to add the words:—"But no such appointment shall be made, nor salary or fees be provided out of taxes, while the other charges on such taxes exceed £100,000,000 in the year." His only anxiety was that they should redeem the pledges which they gave at the general election. There was hardly a Member sitting on the Ministerial side of the House who did not issue placards and circulars calling attention to the extraordinary increase of expenditure during the last few years. A good deal yet remained to be done before they reduced the expenditure to the extent continually referred to at the election. To establish a new department and create a large number of public trustees all over the country to manage private trusts at the expense of the public purse was hardly the way to begin a career of economy such as

that to which hon. Members were pledged. In the present session the House had already voted £1,000,000 a year as the price of the settlement of the education question. Was there any way during this long and extraordinary session in which the House had saved a single pound per annum beyond a small amount in Army and Navy expenditure? The Bill meant no benefit to the people. He ventured to say that the wage-earning class that would come within the purview of the Bill was very small in comparison with the persons of means whose estates were well able to pay the expenses of administration. He would be ashamed to go to his constituents and tell them that he had voted for the management of private property at the public cost while children were not fed and while old age—

*MR. BERTRAM asked whether it was in order to discuss the general taxation of the country.

THE CHAIRMAN: The hon. Member must cease to discuss these outside matters, and confine himself absolutely to his Amendment.

*MR. R. PEARCE said he was not discussing the general taxation of the country when he pointed out that there were claims of a pecuniary kind for the benefit of all classes.

THE CHAIRMAN: That has nothing to do even with the form of the Amendment. The hon. Member must entirely avoid the question of the other purposes on which money could be spent.

*MR. R. PEARCE said it was his duty to call attention to the fact that there

would be startling expenditure under the Bill at a time when members of the House had not been able to keep their promises to the country in respect of the reduction of expenditure generally. The nearest analogy that he could give to the present proposals was the case of the Charity Commissioners who managed public trusts. That Commission cost the State £40,000 a year. If this Amendment were not accepted by the Government there would be an expenditure of something like that sum. That would be an addition to the national expenditure, and he thought he might rest his case on that fact in view of the pledges which had been given to the country. He wondered how those who had pledged themselves to bring about economies would be able to justify their action in voting for the erection of a great State department of this kind for the management of private trusts at the public expense. If the general expenditure were reduced to £100,000,000 they would perhaps be justified in undertaking this new expenditure. He appealed to the Government not to create a new department, which would involve the expenditure of money which was wanted for other and more urgent matters.

THE CHAIRMAN: The hon. Member is again beginning to talk about the Bill. I warn him that he is becoming highly irrelevant; he must keep to his Amendment.

Amendment moved—

"In page 7, line 36, at the end, to add the words 'But no such appointment shall be made, nor salary or fees be provided out of taxes, while the other charges on such taxes exceed £100,000,000 in the year.'"

Question proposed, "That those words be there inserted."

MR. WILLIAM RUTHERFORD said he thought the Attorney-General would have had something to say in regard to this most important point. He was entirely in sympathy with the Amendment, though he thought an extraordinary *impasse* would be created if they were to say that no salary or fees should be provided out of taxes to the holder of the office of public trustee "while the other charges on such taxes exceed £100,000,000 in the year" when they knew that the present Government had not the slightest intention of so reducing public expenditure. He thought they were entitled to some information as to what the Government proposed to spend on this important new scheme. The cost of the Charity Commission was upwards of £40,000 a year, and they carried on their business exclusively in London. In connection with the public trustee's department there must be offices all over the country involving heavy cost on the Treasury. He believed the department would cost £240,000 a year.

THE CHAIRMAN: It does not seem to me that the hon. Gentleman is in order. The clause says—

"The Lord Chancellor shall appoint a fit person to the office of public trustee, who shall hold office during pleasure, and receive such salary or fees and be appointed on such terms as the Treasury may determine."

The Amendment is to add some words at the end. I think the hon. Member is not talking about that.

MR. WILLIAM RUTHERFORD said all he wanted from the hon. Gentleman in charge of the Bill was some information as to the expenses involved. He did not think the clause should be passed *sub silentio*.

Question put, and negatived.

MR. RADFORD moved an Amendment that the officers of the Public Trustee, who were not already in the public service, should be appointed by the Treasury after open competition, the same as in the Civil Service. His reason for asking for support for his Amendment was, first, that the system of open competition for posts in the Civil Service was an excellent one; secondly, because the patronage of the Lord Chancellor, which was very considerable, had not been exercised by the ex-Lord Chancellor in such a way as to meet with the general approval of mankind; and thirdly, it must be a painful, tedious and invidious thing for any Lord Chancellor to make such appointments.

THE CHAIRMAN said that the hon. Member was entirely out of order in reflecting on the late Lord Chancellor.

Amendment proposed—

"In page 7, line 37, to leave out from the beginning to the word 'may' in line 39, and to insert the words 'The appointment of officers of the public trustee not already in the public service shall be governed by the Order in Council of the fourth day of June, one thousand eight hundred and seventy, establishing the system of open competition for posts in the Civil Service of the Crown, and such officers shall be appointed as the Treasury.'"
—(*Mr. Radford.*)

Question proposed, "That the words proposed to be left out stand part of the clause," put, and agreed to without a division.

SIR JOHN WALTON said that while they were all glad that the system of open competition for posts in the Civil Service had been established, he

thought it would be generally admitted that the men wanted for the class of work which would have to be done by public trustees were men of a special character whose qualifications could not be gathered from a public competitive examination.

Amendment negatived.

Clause 8, as amended, agreed to.

Committee report Progress; to sit again to-morrow.

PUBLIC HEALTH (REGULATIONS AS TO FOOD) BILL.

Order for Second Reading read, and discharged. Bill withdrawn.

MESSAGE FROM THE LORDS.

That they have agreed to—Recorders, Stipendiary Magistrates, and Clerks of the Peace Bill, with an Amendment; Edinburgh Suburban Electric Tramways Order Confirmation Bill; Town Tenants (Ireland) Bill, with Amendments.

TOWN TENANTS (IRELAND) BILL.

Lords Amendments to be considered to-morrow, and to be printed. [Bill 377.]

RECORDERS, STIPENDIARY MAGISTRATES, AND CLERKS OF THE PEACE BILL.

Lords Amendments to be considered forthwith; considered, and agreed to.

Whereupon MR. DEPUTY-SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at a quarter before Twelve o'clock.

HOUSE OF LORDS.

Wednesday, 19th December, 1906.

AIRTH PEERAGE.

Petition of Robert Barclay Allardice Barclay-Allardice for leave to lodge his printed case on or before the third sitting day after the next ensuing meeting of Parliament; read, and ordered as prayed.

PRIVATE BILL BUSINESS.

Ure Elder Fund Order Confirmation Bill [H.L.]; Ardrossan, Saltcoats, and District Tramways Order Confirmation Bill [H.L.]; Dunfermline and District Tramways Order Confirmation Bill [H.L.]; Dunbartonshire Tramways Order Confirmation Bill [H.L.]; Returned from the Commons agreed to.

Recorders, Stipendiary Magistrates, and Clerks of the Peace Bill; Returned from the Commons with the Amendment agreed to.

Edinburgh Suburban Electric Tramways Order Confirmation Bill; Returned from the Commons with the Amendments agreed to.

RETURNS, REPORTS, ETC.

WORKMEN'S COMPENSATION.

Statistics of proceedings under the Workmen's Compensation Acts, 1897 and 1900, and the Employer's Liability Act, 1880, during the year 1905; presented (by command), and ordered to lie on the Table.

TOWN TENANTS (IRELAND) BILL.

Returned from the Commons with several of the Amendments agreed to, with one Amendment agreed to, with an amendment, and certain other Amendments disagreed to, with reasons for such disagreement; The said Amendments and reasons to be printed; and to be considered To-morrow. (No. 255.)

EDUCATION (ENGLAND AND WALES) BILL.

THE LORD PRIVY SEAL (The Marquess of Ripon): My Lords, in order that we may proceed at once to the consideration of the Education Bill I beg to move the Motion of which I have given notice.

Moved, "That Standing Order No. XXI. be considered in order to its being dispensed with, and that the adjourned debate on the Bill have precedence of other notices and Orders of the Day."—*(The Marquess of Ripon.)*

On Question, Motion agreed to, and ordered accordingly.

Order of the Day read for resuming the adjourned debate on the Motion that the Commons' reason for disagreeing with the Lords' Amendments be now considered, and on the Amendment moved by the Marquess of Lansdowne to the foregoing Motion, viz., to leave out all the words after "That" for the purpose of inserting the following words, viz. :—

"This House (1) records its protest against the innovation in constitutional procedure by which the Commons have rejected the whole of the Lords' Amendments to the Education Bill, including those proposed by His Majesty's Ministers, without assigning, in any case, specific reasons for the rejection of those Amendments; and (2) adjourns the consideration of the Commons' message in order to afford His Majesty's Government an opportunity of making a definite statement to the House as to the course which His Majesty's Government are prepared to recommend to the House of Commons with regard to each material Amendment to the Bill."

THE MARQUESS OF LANSDOWNE: My Lords, with the permission of your Lordships I should like to say two or three words as to the procedure which might be followed this evening. I am sure we all desire that that procedure should be as simple and as easily intelligible as possible. At this moment the Amendment which I moved the night before last to the Motion of the Lord President of the Council holds the field. That Amendment had two parts. In the first place, I invited your Lordships to

place on the records of this House a protest against the manner in which the Amendments made by your Lordships to the Education Bill had been dealt with by the other House of Parliament; and in the second part of my Amendment I suggested that the debate should be adjourned in order to afford His Majesty's Government an opportunity of making a definite statement to the House as to the course which His Majesty's Government might be prepared to recommend to the House of Commons with regard to each material Amendment to the Bill. That invitation was taken advantage of by the Lord President of the Council. He did not wait for the adjournment, but he at once made an important statement to the House, and since that time he has laid on the Table a series of Amendments. I therefore think that we must consider that the noble Earl, I do not say entirely to our satisfaction, but going as far as he felt himself justified in going, has complied with the terms of the second portion of my Amendment. I therefore think it would be convenient that I should withdraw that part of the Amendment; but I remain of opinion that a protest of the kind which I have invited your Lordships to make should be made, and I therefore suggest that we should add to it the Motion which the Lord President will make, and that we might say that this House, before proceeding to consider the Commons' reason for disagreeing with the Lords' Amendments to the Education Bill, "records its protest," and so on. I do not know whether that commends itself to noble Lords opposite but I suggest it is the most convenient way of disposing of the difficulties of procedure.

Amendment, by leave, withdrawn; and the following Resolution moved in lieu thereof, viz., "Before considering the Commons' reason this House records its protest against the innovation in Constitutional procedure by which the Commons have rejected the whole of the Lords' Amendment to the Education Bill, including those proposed by His Majesty's Ministers, without assigning, in any case, specific reasons for the rejection of those Amendments."—(*The Marquess of Lansdowne.*)

THE MARQUESS OF RIPON: My Lords, as far as the matter of procedure is concerned, I think that the course

The Marquess of Lansdowne.

proposed by my noble friend might be adopted; but there my agreement with my noble friend ceases. I cannot accept in any degree whatever the Amendment in its amended form which he proposes, and I shall feel bound to take the opinion of the House by a division on that Resolution. I do not want to raise more controversy than I can help about these matters. My desire is, as far as possible, to avoid anything that would create disagreeable feeling on either side of the House. My objection to the Amendment of my noble friend is that I believe it to be, in the first place, inaccurate. It charges the House of Commons with having taken some proceedings which are in the opinion of the noble Marquess inconsistent with constitutional practice. I deny that altogether. My noble friend might have said that the House of Commons was uncivil or uncourteous, or he might have applied to them any other unpleasant epithets; but, my Lords, unconstitutional their proceedings have not been. It is perfectly consistent with the Constitution of this country—indeed I had almost said it is part of the Constitution—that both Houses of Parliament should regulate their own proceedings. They can regulate them as they please. They may regulate them wisely or foolishly, but it is within their constitutional right to regulate them as they please; and therefore on that ground alone, if it rested only there, I should feel bound to resist the Amendment of the noble Marquess. But apart from that I confess that I am somewhat surprised that my noble friend should have persisted in his Amendment after the speech made on Monday night by my noble friend behind me, the Lord President of the Council. I should have thought that that speech, made with all the authority of my noble friend, would have been sufficient to remove from your Lordships' minds any idea that the course which the House of Commons took in this matter was intended to indicate any want of consideration or respect for your Lordships' House. Nothing could be more definite and explicit than the language of my noble friend speaking on behalf of the Government, who in the House of Commons had concurred in the step which was taken; and I confess I should have thought your Lordships might have been willing to accept a statement of that kind made in

such friendly terms, and with such an obvious desire to remove from your Lordships' minds any notion that any insult or impertinence was intended to your Lordships. I should have thought that my noble friend opposite and those behind him might have accepted the authority of my noble friend, which I

feel sure your Lordships will agree is entitled to the respect and consideration of the House.

On Question, "That the words proposed to be left out stand part of the Motion," their Lordships divided:—Contents, 52; Not-Contents, 138.

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On Question, "That the proposed words be there inserted," resolved in the affirmative.

Commons reason considered.

THE MARQUESS OF LANSDOWNE: My Lords, I now rise to make a Motion dealing with this most important matter. I beg to move that this House do insist on its Amendments to the Education Bill. The noble Marquess who spoke just now referred to the interesting statement made on Monday evening by the Lord President of the Council, and he expressed his astonishment that we on this side of the House should not have been contented by the substance and the tone of that message. I freely admit that nothing could have been more considerate in tone than the speech of the noble Lord. I am also quite ready to admit that his statement marked a considerable advance upon any of the statements made by his colleagues in the other House. If I may be permitted to say so, however, the noble Earl in the course of his statement left untouched a great many subjects on which we on this side of the House feel most strongly.

An adjournment ensued, and I imagine that it is a matter of notoriety that advantage was taken of that adjournment in order to effect an exchange of views between the Leaders of the two Parties. I have seen references to a conference. To my mind the word conference is wholly inapplicable to such discussions as those in which we have taken part. The word has a very technical meaning. I believe it carries with it a good many somewhat obsolete incidents, such, for example, as the representatives of the House of Lords wearing their hats and meeting representatives of the House of Commons without that covering. The advantage of a discussion such as that which has taken

place in the last few days is that it is of a wholly informal character, that proposals or suggestions can be made in the most confidential manner and entirely without prejudice to those who make them. I have therefore no right to refer to what took place during those conversations or to their result. I say this particularly because we are now in full possession in the most official form of the decision at which the Government have arrived in reference to this Bill.

Your Lordships have received this morning the Amendments of which notice has been given by the Lord President, and I have no doubt you have studied them. I assume that those Amendments are officially the last word which the Government have to say with regard to the Amendments which your Lordships have inserted in this Bill. I am very far from suggesting that upon some of the points at issue there has not been room for a transaction between noble Lords opposite and ourselves. We have never excluded from our minds the idea that some arrangement of that kind might be arrived at. But I am afraid I must add that the Amendments proposed by the Lord President seem to me to leave the Bill in a shape in which this House could not possibly accept it.

It is impossible in such a statement as I now have to make to pass in review *seriatim* in detail the minor issues raised by these Amendments; but there are a certain number of them which by their intrinsic importance stand out in clear relief and so to speak dominate all the others. One such set of Amendments is that which has reference to the position of teachers. The teachers, if I may say so, are almost the key of the position. We have constantly demanded that full freedom should be given to the teachers. We have done that upon many grounds.

We have made the request because we believe that to refuse that request is to put an affront upon the liberty of conscience of the teachers themselves. We have recommended it because we believed that in a great number of our schools it would be absolutely impossible to find volunteers who could take upon themselves the duty of the religious instruction now performed by the teachers of the schools. We have recommended it again upon the ground that to deprive the teacher of these particular functions cannot fail to be highly detrimental to the discipline and efficiency of the school itself.

The importance of this question seems to me to be enormously increased in consequence of the attitude which His Majesty's Government have taken up throughout these discussions with regard to what we speak of as Clause 4 schools. It is perfectly plain from what we have been told by the Lord President of the Council, and what we have learned from other sources, that in the view of His Majesty's Government these Clause 4 schools are to be altogether exceptional—they are intended for the Roman Catholics, the Jews, and for a small fraction only of the Church of England. Now it follows from that that all schools which do not fall within the thus limited scope of Clause 4 will have to depend entirely upon what they can get out of Clause 3.

I ask your Lordships to remember that in regard to the fourth clause a minority of parents will be able to impose upon the school and upon the people interested in the school its transformation from a school of the type which it has always represented to the new type of school created under this Bill. I will also remind your Lordships that in cases where alternative accommodation is not accessible, there an insignificant minority of the children may prevent the school from obtaining extended facilities. It follows, therefore, that in the great majority of cases these schools, no matter how denominational has been their atmosphere in the past, will find themselves compelled to fall back upon Clause 3 facilities.

Now, my Lords, what are Clause 3 facilities worth if the teachers are not permitted to give religious instruction in

these schools? That brings me to the offer which his Majesty's Government have made to us in regard to the teachers. If you will turn to the Amendments on the Paper you will see these proposals. In the first place it is left open to any local authority absolutely to forbid of its own will any teacher, no matter in what school, to give religious instruction. In the next place no head teacher is ever to give religious instruction. In the third place, even where the assistants—who are the only people to whom this permission is to be given—are allowed to give religious instruction, they can give it only if and when the school numbers over 250 pupils. If your Lordships will consider the cumulative effect of these various restrictions you will see how complete is the denial of that freedom for which we ask for the teachers of this country. In our view, the insistence of His Majesty's Government upon that denial is in itself an almost insuperable obstacle in the way of such a friendly arrangement as we at one time hoped to effect.

I have examined as carefully as I have been able to do in the short time at my disposal the other proposals put upon the Paper by the noble Earl opposite, and I find amongst them the following provisions which I will enumerate as briefly as I can. The noble Earl passes over in silence the question of the deletion of the urban area limit in the fourth clause. He also passes over in silence the most important Amendment in the second sub-section of Clause 8, which provides that the local authority is to satisfy itself of the fitness of a teacher to give Cowper-Temple teaching. The noble Earl is also silent upon the subject of the retention of the Welsh clause. But then I come to other points upon which the noble Earl is not silent, but eloquent. He proposes that we should not insist upon the important Amendment inserted by Lord St. Aldwyn in Clause 3, under which two days a week certain were secured for facilities in Clause 3 schools. He proposes, further, that we should not insist upon the Amendment of my noble friend Lord Salisbury in regard to facilities for single-school area children in council schools. In the same clause he proposes that we should not insist upon the appeal—the

most important appeal—to the Board of Education in cases where facilities are not properly provided.

*THE EARL OF CREWE: You mean in Clause 3.

THE MARQUESS OF LANSDOWNE: Yes, that is all in Clause 3. Now I pass to Clause 4. The noble Earl asks us to abandon the Amendment in which we substituted the word "shall" for "may" at the beginning of the clause. We have to consider, with that Amendment, the most unsatisfactory state of affairs in which the Government clauses leave the condition of appeal throughout this part of the Bill. Then, again, in paragraph (b) of Clause 4 we are asked to consent to an arrangement under which the minority is to be counted by including, not only those who come forward to protest, but also those who remain silent, a point upon which many of your Lordships feel strongly.

Further on, the important Amendment which was inserted at my instance as to the manner in which the question of alternative accommodation should be dealt with is proposed to be got rid of; and I find, in the same clause, that we are asked not to insist upon the Amendment which we introduced with the object of making it clear that the local education authority might not in a Clause 4 school forbid the teacher to teach. That is a most important point. I confess I was under an apprehension that that permission would not be denied in those purely denominational schools. In Clause 7 we are asked to give up the effective provision which we had made for the creation of new schools with denominational facilities. I find substituted for it a provision entirely confined to Clause 4 schools, and requiring persons who wish to build a new school to build it on the mere chance that it might afterwards be taken over by the local authority. Then in Clause 8 the discretion of the authorities to permit the teacher to teach religion is extended also to the Clause 4 schools.

Those are some of the proposals which your Lordships are asked to assent to. There are one or two points upon which I would like to say a few words. In these Amendments we find reintroduced

the State-aided school in its most objectionable form. It appears, not as an alternative which it would be open to the owners of the school to accept, but as a penal alternative that may be imposed upon any school which had reason to complain of the manner in which these facilities were accorded—a school which appeals for redress and which, instead of obtaining redress, is condemned to the position of a State-aided school without any support from the rates, and, by a further provision in these Amendments, becomes a school which may be established without any precautions for seeing that it has a reasonable prospect of maintaining its efficiency at a proper standard. There is something to be said on the question of State-aided schools. To a State-aided school in that form we on this side of the House have the strongest possible objection.

Then I find also amongst these new Amendments a provision I think objectionable in that part of the Bill which relates to the taking over of schools by the local authority. Unless I misunderstand the Amendment on the Paper, it is intended that it should be open to the local authority to refuse one of these schools upon the mere ground of redundancy, unless its redundancy can be shown to be of an entirely temporary nature. Therefore, however necessary the school may be from the point of view of the parents, no attention need be paid to that consideration, and it may be dealt with on the high and dry ground of redundancy alone.

Let me point out how remarkable it is that upon points of this kind His Majesty's Government deny altogether to the authority that discretion which we have so often asked for in vain in regard to other points in the Bill. As I said before, we should be perfectly ready to consider points of mere detail. I am glad to admit that in one or two points in his Amendments the noble Earl has done something to meet us; but what we feel is that the points to which I have referred are not points of detail, but vital points; and if we have, as I believe we have, reason to believe that these are points which His Majesty's Government regard as essential to a settlement, then I say with very great regret that we do not see our way to accept a settlement on those lines.

The Marquess of Lansdowne.

We are told that the Bill as amended by us is a Bill entirely without value in the eyes of noble Lords opposite and their friends. Let me remind your Lordships that in the Bill as amended by the House of Lords we find a full admission of the principle of popular control. We find provisions which make it impossible for any denominational religious instruction to be given at the public expense. We find provisions which render Cowper-Temple teaching accessible to every child in all schools, and we find an arrangement with regard to what is commonly spoken of as "tests for teachers" which I do not gather is seriously objected to even by noble Lords opposite. I ask noble Lords opposite, are they justified in saying that a Bill containing all these provisions is a Bill which they cannot venture to recommend to the people of this country?

We have now to consider what procedure should be followed in dealing with these Amendments. It is impossible for us to accept the greater part of the Amendments proposed by the noble Earl; and at this period of the session, and with the knowledge that there is no prospect of an agreement upon this great number of points, I venture to suggest to the House that we shall not gain anything by an attempt to go through these Amendments *seriatim*. I see, therefore, no alternative but that we should respectfully intimate our desire to insist upon our Amendments. I say again, such a Motion carried by this House must not be taken as implying that there are no points upon which it is impossible for us to come to an agreement; but I do say it must be taken as implying that, taking the Government Amendments as a whole, we cannot accept their proposals, or anything like their proposals, as the basis of a settlement. I confess that the argument of time has some weight with me, as it no doubt has with many of your Lordships; but I, for one, say that if I saw the slightest prospect of arriving at an amicable solution of this question I would gladly prolong the session into the next year, and far into the next year. But I can see no reason for taking that step unless we have in sight the possibility of coming to terms. These

Amendments, I fear, hopelessly bar the way to such an arrangement; and therefore, with the most profound regret, I stand here to move the resolution the terms of which I have already mentioned—namely, "That this House do insist upon its Amendments."

Moved, 'That this House do insist upon its Amendments to which the Commons have disagreed.' — (*The Marquess of Lansdowne.*)

*THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): My Lords, the House has listened to a very clear statement of the views of the noble Marquess and of the conclusion at which he has arrived—that it is necessary to remit the Bill to the House of Commons once more in the form in which your Lordships originally sent it down. I am in complete agreement with the noble Marquess as to everything he said about the private communications which have been passing between the different sides of the House during the last day or two. Neither he nor I need have alluded to them at all, but for the fact that they have become public property through what are known as "the usual channels of communication"; and although the statements which we have seen of the course of what I must not call a conference are not strictly accurate, yet they are sufficiently public property for us to have no hesitation in alluding to them here. The only inference that the public is entitled to draw is that the Amendments which I have placed upon the Paper do not satisfy noble Lords opposite, and from that fact it is not difficult to conclude what is actually required by them.

These Amendments are to be rejected *in globo*, and the Bill is to be sent back to the House of Commons. I deliberately refrain from indulging in the rather obvious *tu quoque* that you are doing to the House of Commons what the House of Commons did to you. I think the noble Marquess made out, in the circumstances, a reasonable case for doing what he proposes to do. The alternative would be to take the Amendments *seriatim*; and there is no doubt, in view of the fact

that it has been found impossible to come, I am afraid, even near to an agreement on more than one matter in the Bill, that course would involve a waste of time from which at this season of the year the mind naturally recoils. Therefore I am perfectly willing to believe that it is in an entirely businesslike spirit that your Lordships send the Bill back in this way, and although I admit that the circumstances were not identical, yet I assert that it was in a businesslike spirit that the House of Commons sent back the Amendments to your Lordships *in globo*.

It is too much to expect that the Paper circulated in my name this morning can have been carefully studied by all of your Lordships. The form in which the Amendments are treated is difficult to follow for those who have not a perfect acquaintance with the Bill; and probably it will be in conformity with the wishes of the House if I state the general effect of the Amendments. But I desire to correct at once an error into which the noble Marquess seems to have fallen. He spoke of my "passing over" certain Amendments "in silence." It must be assumed that we concur in the retention of every Amendment as to which I do not move that your Lordships shall not insist upon it. I am sure the noble Marquess will not wish to misrepresent our attitude, but it obviously would not be fair to draw no distinction between Amendments of that kind and Amendments upon which we actually move the non-insistence. I am not going to run through the whole of the Bill, but there are one or two important subjects, rather than clauses, to which I desire to draw the attention of the House. As regards the Amendment of Clause 1, on the subject of religious instruction, it is perfectly true that we move to disagree with that Amendment. But at the same time I am bound to say that I do not think that the Amendment of itself would have offered an insuperable obstacle to an agreement between the two parties, or that it was impossible to find a form of words which in some degree might have met the wishes of noble Lords opposite without dictating to the local education authorities upon a matter in which, it is only right to remember, they have exercised an absolute discretion for the past thirty-six years.

The Earl of Crewe.

I pass to the facilities under Clause 3. I desire to deal with the points raised by the noble Marquess. It must always be remembered that we have never attempted to conceal the fact that one of the main principles of our Bill is that these schools should be undenominational schools as compared with Clause 4 schools. One difficulty that was raised is the difficulty attempted to be met by the Duke of Devonshire's Amendment. That Amendment, with regard to the taking over of schools for the purpose of Clause 3, left to the Commissioners complete discretion in saying that those schools must be taken over; but they were to be guided by the wishes of the parents with regard to the religious education of the children. In our opinion that went too far. We could not help seeing that, if the wishes of the parents were to be taken as paramount in this matter, there would in practically every case be a certain number of parents who would express a wish with regard to the religious education of their children, with the ultimate result that a very large number of schools which could just scrape through the ordeal of being pronounced structurally suitable would be forcibly taken over, although it could not be said that they were needed for the education of the district, in any other sense except that they supplied a denominational want.

Consequently we proposed an alternative method for dealing with the matter. What we proposed was this—that where an order is made requiring the local education authority to give facilities, and the Commissioners are satisfied that the school is structurally suitable and is required or is likely to be required for providing a sufficient number of school places, then an order may be made. I draw particular attention to the words "is required or likely to be required." They are intended to meet a difficulty raised by the most rev. Primate. He said that there are towns in which there are a number of Church schools but also a number of council schools with a large proportion of vacant places. The school authorities, foreseeing the probability of the growth of their towns, built at one time schools with more places than were at the moment required; and if the local authority wanted to prevent these Church

schools from being taken over as facility schools they might fill up the council schools with the children from the Church schools. That is a point which we felt might in fairness be met, and we thought that it would be reasonable on the part of the Commission to say to the local authority, "It is true you have these vacant places, but you have deliberately provided them with the idea of gradually filling them up as your town increases; it is not reasonable to extinguish these Church schools in order, so to speak, that you should fill your own up by a large windfall of children who only come on your hands through the operation of this Act; so we take into account your original purpose in making this excessive number of places, but we do not treat these places as being accommodation in the sense in which accommodation is ordinarily described; therefore these being good schools, we oblige you to take them over." In our opinion that was a substantial concession, and would have met a large proportion of those cases of denominational schools which did not come under Clause 4. Whether that would have met the views of the noble Duke I cannot say; but it is evident that it is one of the things which noble Lords opposite did not consider to be a sufficient concession, though in our opinion it was a very real one.

Now I come to the vexed question of the teacher. I will read you the clause we propose about the teacher in these ordinary facility schools—

"(2) The local education authority may, if they think fit, permit an assistant teacher to give any religious instruction of a special character not permitted under Section 14 of the Elementary Education Act, 1870, in any school in which facilities for that instruction (although not extended facilities) are afforded under this Act, provided that the authority shall not give that permission in any school in a parish in a rural district which is the only public elementary school in the parish, except in cases where such a school provides accommodation for more than 250 children, and the authority think that the circumstances of the school justify the permission."

Your Lordships will observe that the whole matter was left absolutely, as we were bound to leave it, to the discretion of the local authority, that only the assistant teacher could give the teaching, and that the smaller rural schools were to be ex-

cluded. We did not, and do not, say that there is any magic about the number 250. We find that if the number 250 were left there are in England and Wales 410 large country schools that would get the benefit of the teaching of these assistant teachers. If 200 were taken as the limit—and I suppose we should not have lost the Bill for 200—altogether 765 schools would obtain the advantage of that teaching. If that is not a substantial concession, and one which we gave, I confess, with great searchings of heart, it seems to me to be very difficult to say what can be called a concession at all. Noble Lords opposite demand this privilege for all schools, of whatever size, both in town and country—that every teacher should be allowed to give the instruction, if he is willing, and that it should be a statutory obligation on the authority to allow it to be given. We thought that what the most rev. Primate and noble Lords asked for was that the facilities should be real in the sense that it should not be possible to say, "Here is a large urban school in which it is really a mockery to offer these facilities, because we cannot find volunteers to give it."

The noble Marquess opposite said that the teachers demanded this permission. I think the noble Marquess is going far beyond the mark in making that assertion. No doubt a certain number of teachers demand it; but the statement has not been contradicted that among the whole body of teachers there is a majority who would prefer not to receive the privilege. The interest of the whole of this business to me consists in this fact: taken in conjunction with the previous Amendment it practically means that any Church school could demand to be taken over; it simply means that the majority of this House mean these Clause 3 schools to be absolutely denominational schools. You cannot get away from that fact; that is the absolutely unbridgable gulf that lies between noble Lords and ourselves, and it is one over which we have been, as is clear, unable to find any passage. After all the sole difference between these schools as noble Lords want to make them in the Bill and the schools as they are now, consists, on the one hand, that rent is paid for them by the authority and the

authority undertakes the repairs, and on the other hand, they have to run the risk of not getting a Church teacher. If they do, there is apparently to be no difference in future in the conduct of the schools. All I can say is that this only shows how perfectly hopeless it was from the first to attempt to come to any agreement on this subject. To vote money for such a purpose as that is a deliberate mockery. To ask the local authority possibly to increase their rates, to ask the Exchequer for a grant of £1,000,000 in order to carry out a transaction of that kind, is nothing less than a farce.

I come now to Clause 4. The noble Marquess spoke of the small number of schools under Clause 4 as we intended to leave them; but noble Lords opposite made them anything but exceptions. They made them almost the rule, and I think it cannot be disputed that even the Amendments I have placed on the Paper, some of which, in my opinion, go very far indeed, add largely to the number of these schools. What is the effect of these Amendments? We have altogether given up the restriction of the urban area, to say nothing about the 5,000 limit. We have tried as far as we could to meet the point about the small number of recalcitrant parents who could prevent a school from being made a Clause 4 school at all. On that point I should like to say a word. I am not sure that the noble Marquess did not himself fall into the error of saying that these parents could prevent the school from becoming a Clause 4 school. Ten parents could not demand to be accommodated in that particular school. Not only would the parents have to object to the teaching, but the local authority would have, even though accommodation existed elsewhere, deliberately to keep them there. That, of course, is a very different matter from saying that ten parents could spoil a Clause 4 school.

Then we gave a prior right of admission to children belonging to the denomination—in my opinion a very real concession indeed. We gave the parents' committee, and as regards that committee we gave a concession of the most far-reaching character, and one which I am bound to say we should have found, in my belief, considerable difficulty in getting our

supporters to accept. The provision to be inserted would read—

"In every public elementary school in which extended facilities are afforded under this Act the local education authority shall appoint persons acceptable to the parents' committee to be teachers in the school, and for that purpose shall consult with the committee as to such appointment."

If I am asked exactly how we reconcile the words of that clause with the general rule of "no tests for teachers," I confess that I am in a difficulty. I am bound to admit that it must be, owing to the very special circumstances, treated as an exception to that excellent rule. We gave an appeal to the parents against the refusal to institute a Clause 4 school or against a refusal to continue it. That, I think, disposes of the argument of the noble Marquess that we leave the word "may" instead of inserting the word "shall." If you give an appeal in each case it does not appear to be very important whether the word "may" or "shall" stands part of the Bill.

We gave way on the number of four-fifths. I have placed the number three-fourths on the Paper, but I do not know that we would have lost the Bill over the question of three-fourths. But we did stand out, and we should stand out to the last, for the necessity that it should be a proportion of the whole number of parents, and not merely of those who go to the poll. The noble Marquess, owing to the point which I mentioned earlier, fell into an error as to the teacher being compelled to give religious teaching. He did not see the Amendment on the Paper. As a matter of fact it is not one of those Amendments with which I would ask your Lordships to disagree; and therefore I assume that the House will insist upon it, and therefore we must be taken as agreeing to the Amendment that the local education authority must permit the teachers employed in the school to give the teaching. In addition to that we gave the possibility of what I hope would be a complete system of inspection in all transferred schools, and we gave up, some of us unwillingly, the clause which made it not necessary for children to attend school during the hours of religious instruction.

It is perfectly true we did not give way, and we never should have given way under any circumstances, on the absolute right to be taken over claimed by any structurally efficient voluntary school. We never could have given way to the demand of noble Lords opposite about the teachers. We could not give way—having made these denominational schools, as we think, so numerous and so liberally provided for—to any invasion of the council schools by denominational education. We were not prepared, and certainly never should have been prepared under any circumstances, to give way to what the noble Marquess (Lord Lansdowne) proposed—the absolutely indefinite multiplication of Clause 4 schools, including possibly some the smallest village schools in the country.

And on the question of Wales, I can only say that noble Lords opposite treated our proposition with mere contempt. They altogether refused our invitation to make some counter-proposition with regard to what we did and do consider to be the fair claims of Wales to some separate sort of treatment in this matter; and consequently I am unable to agree with the insistence of the omission of the Welsh clause.

This is how the matter stands. I have gone through all the principal Amendments, and I am content to leave it to the judgment of all moderate and reasonable people whether they do not represent a very large scale of concession indeed. There are, no doubt, a certain number of blind partisans and a certain number of amiable zealots who would accept nothing except that which appeared to them not merely reasonable but satisfying their own peculiar wishes. To such I make no kind of appeal. But I do appeal to the common sense of moderate people, both inside and outside this House, as to whether the concessions which I have indicated would not have formed a compromise acceptable to the vast majority of the people of this country. All I know is that in attempting to arrive at this conclusion we have strained the loyalty of many of our most valued supporters almost to the point of snapping. For all I know it has

absolutely snapped in more than one case; I only hope it will be restored.

I frankly confess that there is more concession in these Amendments than personally I like; but as a member of the Government I of course not merely accept but advance them, and I believe that is in the main the attitude of the Members of our Party. Many of them think we have gone too far in conceding so much, but they are prepared to accept it. But only on one condition—the only condition on which we could have gone so far as we have, and that is that it should be as part of a definite settlement and accepted as such by the Party opposite. I hope no noble Lord or right rev. Prelate is under the illusion that these concessions are, so to speak, thrown down on the floor of this House, to be picked up whenever the Party opposite may condescend to stoop for them. That, my Lords, would be a most serious illusion.

One of the reasons why I specially regret the failure of this Bill is this. After all, my Lords, there is a tide in the affairs of Bills which, if you take it, may lead you into the harbour, but if you do not take it the tide does not always recur. I am unwilling to prophesy in political matters, because there is nothing so dangerous; but I should be very much surprised if the time ever comes when either I myself or anybody else is found urging the claims of this identical Bill, including these Amendments of mine, in this place. I should be very sorry to prophesy that anybody in the immediate future would be found urging any Bill on this subject. All one can say is that these special proposals are gone and cleared away. As to the reappearance of any of them we can say nothing.

It only remains for me to thank the House as a whole for the remarkable consideration which has been extended to me personally all through these debates and to thank my noble friends behind me, both official and unofficial, for the admirable measure of support which they gave me during the progress of the Bill. Noble Lords and right rev. Prelates have chosen war in this matter rather than peace. Your Lordships have chosen to open the sluice-gates and to

let free the flood of sectarian unrest and religious passion. What that flood may destroy and sweep away in its course I am not going to attempt to predict. But I think it exceedingly likely that during the coming months a great many very harsh things will be said on both sides, and I am afraid some harsh things may be done. Our task is simply to administer as we may the existing law. But this I do say in conclusion, that we on this side of the House, and His Majesty's Government, whatever the consequences may be, deliberately refuse to accept one ounce of the burden of responsibility for the rejection of this measure. We leave the whole of it on the shoulders of noble Lords opposite and the right reverend Bench, who have chosen to wreck the Bill.

* THE LORD ARCHBISHOP OF CANTERBURY: My Lords, I am not going to follow the two eminent speakers who have addressed us into the particulars of the Amendments which now stand upon the Paper in connection with this Bill. Their speeches have been most lucid and have brought out the points upon which, to my great disappointment, agreement has been found impossible. Still less, of course, do I feel it to be appropriate to enter into the constitutional questions, if we may call them so, which have arisen as regards the relations of the two Houses and the action of each in this matter. I desire rather to say a few words about the general situation which has been brought about. Perhaps your Lordships will the more readily pardon me for doing so, as I was prevented, owing to circumstances over which I had no control, from being in your Lordships' House either on the Report stage or on the Third Reading of the Bill.

I speak to-night with an intense feeling of disappointment. I had, I own, looked forward, I will not say confidently, but at least hopefully, to a different conclusion of our long discussions, a conclusion or settlement which must in any case have been a very hard one for the Church of England and for the workers in her schools, but which still, I trusted, might take such a form that we could accept it rather than let the intolerable, hateful strife go on.

The Earl of Crewe.

For such a solution, my Lords, I hoped against hope; and I have, in so far as in me lay, striven even to the point of putting to a test the confidence of some of my best friends, and this because I was, and am, profoundly convinced that, in view of the largest issues in English life, it was desirable to secure such a settlement if only the conditions attainable should be such as to satisfy the principles of fairness and justice.

Nothing can, my Lords, in the long run be gained by the removal of one grievance, great or small, merely to establish another, both greater in its range, and, as I think, heavier in its incidence. When this Bill was before us last August I was one of those who urged, contrary again, to the advice of not a few friends, that we ought to read it a second time, with the view of subsequently amending it, and that its ultimate fate ought to depend upon the acceptance by the Government, substantially and after joint discussion, of such Amendments as this House should deem to be essential. I did that in the interest of a possible settlement, notwithstanding that I deplored very much both details and principles that underlay the measure. From that time onwards, if I may refer to myself, I have striven, so far as I was concerned, to bring about some arrangement which would be honourable or, at least, tolerable, to all parties concerned.

Until within these last few hours I was hopeful; but it has proved to be in vain; for unless the Government could have seen its way to meet us in what I am convinced are reasonable demands, on certain large and important questions, and, above all, on the question of teachers, we had better—I say it reluctantly—we had better, whatever the risks and disadvantages, have no Bill. A Bill, my Lords, marred by blemishes so grave could be no real settlement, and, therefore, ought not, as it seems to me, to have been in that form even desired by His Majesty's Government themselves. You cannot conduce to a settlement by removing grievances and disadvantages, acutely felt—whether reasonable or not is a matter of comparative indifference—but acutely felt by one section of the nation, on to the shoulders

of another section of the nation which must feel and resent them not less acutely. That is one thing which, speaking for myself, though I am sure I may associate others with me, I have borne in mind throughout the whole of our debates and proposals. But that is not all.

Quite apart from questions of grievance to teachers or contributors and donors, or to the denominations who have such large interests in the highest and deepest part of the work of our elementary schools, quite apart from all that, we have tried to keep before our eyes a clear vision of the purpose and aim of it all—the best upbringing of little children, the best upbuilding of their character, the best furnishing of them to be useful Christian citizens of a Christian land. To that result we have looked throughout, and to that practical end we have striven, in the proposals we have made and in the Amendments which we have supported. We ask for no privilege or advantage for one section, or one denomination, over another. We want, and have pressed for, absolutely equal opportunities—subject, of course, to the ordinary conditions of our common life—to be open to all.

What has the House of Lords done or tried to do by its Amendments? Never, it seems to me, was there a case in which wider misconception prevailed. I do not think the reason is very far to seek. The complexity, the technicality, the difficulty of this whole subject have daunted most people from even trying to follow in detail what has been done. More than nine men out of ten are at the mercy of the partisan speaker or writer who summarizes for them in his own airy way what he calls the gist or substance of what has happened. Something has been done during the last few days to diminish that difficulty, but the difficulty is there still. A prominent speaker in the House of Commons a few days ago began his speech, I think, somewhat as follows—

“The Archbishop of Canterbury, in speaking at an earlier stage of this Bill, said that he and his friends did not propose to make or to support wrecking Amendments,”

and he went on—

“Now everybody knows what has happened since.”

My Lords, that is exactly what I think is not the case. Everybody does not know what has happened since; because it is exceedingly difficult to arrive at it without a far more prolonged and careful study than, I will not say one man out of ten, but one man out of a hundred will give to a matter so intricate as this is. I ask your Lordships to judge by your own experience of intercourse with friends in Parliament or out of it, and to say whether you have not found that a very large proportion of these people honestly confess that they have not been able to follow the matter in detail. That is the case; and I have looked back—on the suggestion of the speech, perhaps to which I have referred—to my own words on the Second Reading of this Bill in order to see whether during these long discussions one has inadvertently, in the course of the controversy, drifted away from the position one originally held and has become either stiffer or less reasonable than one tried to be at the outset. I have found nothing of the sort.

I apologise for referring to a speech of my own, but it was a speech to which a great deal of friendly reference was made by supporters of the Bill at the time it was delivered. At that time I endeavoured to say quite frankly what were the large lines upon which, as it seemed to me, it would be necessary to amend this Bill if it were ultimately to prove a measure, I will not say acceptable, but even tolerable to those whom it affected. I asked that we should have some security that every Christian parent sending his child to an elementary school might count upon—not hope for it, but count upon it—that in the school curriculum some opportunity would be given for religious teaching. That has not been acceded to by his Majesty's Government, although we have heard words to-night which tell us that it might not have been impossible to have gained that point.

Then—perhaps the most important point of all—I pressed that if those facilities in transferred schools on which rightly so much stress was laid by the Government were to be a reality, at all events in our larger schools, it was essential that the teacher who should volunteer to do so should be allowed to give the teaching where it could be

done consistently with the general working and management of the school. Were that not done, I said then, and I feel it as strongly still, that the offer of facilities for denominational teaching would, in our larger schools at least, become almost a matter of empty form.

In the speech of the noble Earl to which we have just listened I was surprised to hear him say that, if the teachers had been allowed thus to volunteer, the transferred schools would practically have been almost exactly the same as they are now. That seems to me to be an example of a misconception and misunderstanding which has throughout the discussion underlain a great deal of what has been said by the supporters of this measure. They have failed to realise how extensive, how far-reaching, how terribly severe is the sweep that is made of the character which has belonged hitherto to our elementary schools under the management of those who have hitherto had control of them.

What becomes of the appointment of the teachers? That is taken away from us in any case. The whole management of the school in its ordinary daily work is taken away from us in any case. The "facilities" are to extend to two days only, and the lack of elasticity that would result as regards the ordinary working of religious teaching is evident at once to anyone who is an expert in school management. Please recollect, my Lords, that I am not objecting to these changes; we accepted them, we have agreed to them. But to tell us now that to allow the teacher to give the teaching in these schools two days a week when he volunteers to do it, and it is convenient to the rest of the management of the school—to tell us that this is to leave the school exactly as it now is, is to misconceive the whole effect of the Bill.

Further, in the speech alluded to, I urged that in the special schools arranged for under Clause 4 the arrangements should not be fettered by such conditions as should make their attainment or their permanence in many cases practically impossible. To some extent, I fully admit, the noble Earl and his colleagues have gone some way to meet us; but there remain

a number of difficulties of that sort which I confess would, in my judgment, reduce to a very small number indeed the schools under Church of England management which would have been able to find their place under Clause 4.

Then, further, if you enact, as you do—and I am not complaining of it, on the contrary I welcome it—that every parent in England shall have within his reach the opportunity of sending his children to a school in which the teaching shall be of the simpler kind which he may desire, there does seem to be, if you transform the character of the existing schools in order to bring that about, a corresponding responsibility on the other side to endeavour in some way or other to meet the difficulty which will arise and grow to an intensity not yet adequately realised, the intensity of feeling of wrong and loss on the part of the parents equally keen and earnest on the other side, who will have no corresponding opportunity for their children in districts in which there are council schools and nothing else.

These, together with some reasonable security that a fit denominational school should be able to count on being taken over, were the proposals I tried to foreshadow as those which I should support. Will any fair man say these were wrecking proposals? They were within the four corners of the Bill in every sense of the word. They were not wrecking Amendments in any way that that word can be properly applied. They do not lie outside the principles of the Bill. These form the substance of the Amendments we tried to make. In a measure so long, so complex, and dealing with such a mass of administrative details, there were a great many other things needing consideration and suggesting Amendment, and needing it all the more because very many of them had never been discussed in the other House of Parliament at all. We did think it right—I thought it respectful in every sense to the House of Commons—that we should go through those parts of the Bill carefully; and I think the Government recognised that we were right in so doing by themselves placing on the Paper no small number of the Amendments with which it was sent

down to the other House for consideration there.

It may possibly interest your Lordships to know what were the sources from which the various Amendments emanated which found a place in the Bill as it went down. As I reckon them there were eighty-three Amendments in the Bill, leaving aside drafting or purely consequential Amendments, which were forty three in number. Of these Amendments the noble Earl the Lord President was responsible for nearly one-third—that is to say, twenty-six out of eighty-three; and, taking in the drafting Amendments, he was responsible for almost one-half. The front Opposition bench was responsible for twenty, independent Opposition peers for twenty-two, Roman Catholic peers for seven, the Episcopal bench for seven, most of which, I think, have been accepted by the Government, and one Amendment emanated from an independent peer on the Ministerial side. Thus the Government were responsible for 31 per cent. of the Amendments, apart altogether from thirty-seven other drafting Amendments which were carried on the Motion of Lord Crewe.

It is constantly said outside the House, and not infrequently in both Houses, that the Amendments we introduced were contrary to the principles for which the country declared at the general election. These principles were two, and two only—the principle of full popular control and the principle of the freedom of teachers as such from tests. If it can be shown that any one of our Amendments really directly traverses either the one or the other of those two principles I, at least, should not be prepared to support that Amendment. But there are, of course, many different ways of giving effect to those two principles, and of necessity no declaration was given to the country before the general election as to how this thing was going to be done, and I urge that it is completely misleading for anybody to say that this Bill as it stood ever had the *imprimatur* of the constituencies of England.

I do not want to dwell again on the principle of no tests for teachers. I think we have all accepted that, and I have only striven

to draw attention to the distinction, which is constantly overlooked, between the appointment of a teacher as an officer of a school and the appointment of a man who is to give religious teaching. As regards the former, I am prepared to admit that no test shall be imposed; but as regards the assigning to a man or woman the duty of giving religious teaching, I am literally unable to understand the position of those who say that those responsible for the choosing of the person to give that teaching should be prohibited from finding out the qualifications of those who are to give it.

I turn to the principle of full popular control. Surely there is a field for the widest possible misunderstanding as to the meaning of the words, and a wholly novel claim as to what they really mean has been authoritatively put forward within the last few days by no less a person than the Minister for Education. He said in the House of Commons last Monday—

“In all those thickly-populated districts, those places where the mind of England is made up, those bodies”—

(he was speaking of county, city, and borough councils—)

“have become infected with a lofty ambition. They are determined to municipalise education from top to bottom; to get hold of complete control over all the machinery of education from the infant school to the University.”

If these words are taken literally they would imply that Eton was to be under the control of the County Council of Bucks, Harrow under the County Council of Middlesex, and Liverpool University under the control of the council of the borough. I do not suppose that the words were literally intended; but they seem to me to describe a demand on the part of the local education authority which, if it was ever made, and I have never heard any authority make it, is so startling, so novel, that I desire to call attention to it now. It seems to me to ignore in the very strangest way the place of the chief paymaster in the schools, which is the State as represented by the Houses of Parliament. Has the country ever asked that such complete autocracy, such complete omnipotence shall be placed in the hands of the local education authority without

control by Parliament as regards any of the details?

But let us suppose that you do recognise that claim. I ask, do you, as a matter of fact, try to grant it? You do nothing of the sort. Under the Bill and under previous legislation these authorities are absolutely prohibited from exercising the freedom claimed for them except in one direction. On the one side is a barbed wire fence of the closest sort. On the other is the open country into which they can go as far as they will. The barbed wire side is that which may seem to lead to denominational teaching of any kind, direct or indirect. The other is the direction which may lead the school away from religious teaching altogether. In that direction they are left perfectly free. Under the Cowper-Temple clause they may grant no facilities for any form of religious teaching save one, and in the transferred schools, which you are now placing under them, there is to be no power on their part to allow the head teacher to give the special teaching, and no power in a rural area to allow any teacher to give it at all. I am not asking at this moment whether it is a right decision or a wrong one, but I put it alongside the claim which is made for autocracy on the part of the local authority. Is that carrying out the definition laid down by Mr. Birrell? Is that real liberty? To claim it as the giving of absolute freedom to the municipalities seems to me unmeaning.

Every year there is published by the Education Office the Code for that year. It has the force of an Act of Parliament, and it bristles at every turn with restrictions on the local authority. That does not correspond with the claim which is being made so loudly that the local education authority must be absolutely free. Every public elementary school serves a national as well as a local purpose, and the State is the chief paymaster, and I maintain that the nation in Parliament has the right to lay down the leading principles of educational policy to which the local authority ought to conform. That most local education authorities welcome such guidance I am certain. I yield to no one in my admiration for the way in which

most of our local authorities, many of them recently under quite extraordinary difficulties, have done their work, and I do not think we shall conduce to that work being better done by following the lines which the Minister of Education suggested.

This question of the teacher, on which so much turns, is not a detail but part of a very big principle. You make that vital question upon which will depend the efficiency or inefficiency of your "Clause 3" facilities depend altogether on the discretion of the local education authorities. There is nothing to prevent any municipal authority from saying—"We intend that there shall be no teacher here giving the facilities teaching under Clause 3." They may do so from no *malice prepense* but simply from the utterly mistaken idea that by so refusing they will be avoiding worry and strife. They may say simply—"We do not desire that any teacher under our control shall give that teaching;" and the moment that is said your facilities, on which you rest your claim to have acted fairly towards Church schools, are swept away and gone for all practical purposes.

No educational system is truly representative of our national life unless it regards within due limits the claim of (1) the nation, (2) the locality, (3) the parent, and (4) the Christian community to which the parents belong. Our business as legislators is to assign to each of these its proper weight and influence, and any attempted solution which ignores the claim of anyone of them is foredoomed to failure. This year the English people have come to realise, as I think they never did before, the complexity and difficulty of this problem. I think the Bill fails to realise that, fails certainly to recognise the depth of the attachment felt by hundreds of thousands of families to schools carried on with, I think, universal approval in close association with a great religious body.

The Bill proposes through a false idea of freedom to impose on thousands of teachers an intolerable restraint in their teaching of religion. The Bill ignores the conviction of a vast majority of Englishmen and women that (with due

protection of conscience, on which we all insist) religious teaching ought to form part of the regular work in school hours of every elementary school. I admit that after your Lordships had amended the Bill so as to bring that teaching within school hours the Government have not asked for that Amendment to be struck out; but as the Bill came to this House it omitted that large and vital principle in the carrying on of religious education. During these long discussions that great principle has stood out more clearly than before.

Deeply do I regret our failure to reach an agreement on matters of such vital importance to our national life. The earnest effort which certainly very many of us had made to secure an educational settlement has to my intense sorrow proved ineffective. I do most strongly protest against the words spoken by my noble friend the Lord President of the Council when he said that we had chosen war rather than peace. Those words were for him strangely unfair. I desire with all my heart peace rather than war.

*THE EARL OF CREWE: I think I ought to state that those words had no personal application to the most rev. Primate. Quite the contrary.

*THE LORD ARCHBISHOP OF CANTERBURY: I accept my noble friend's assurance. I think, however, that there are occasions on which there are more important issues even than peace. A great utterance was made by one of the most conspicuous men now alive a week or two ago—the President of the United States. In his message he used these words—

“Peace is normally a great good, and normally it coincides with righteousness; but it is righteousness and not peace which should bind the conscience of a nation as it should bind the conscience of an individual.”

I think those words have a profound significance in the present controversy if by righteousness we mean, as I should mean, the principles of fairness and of justice to those who have laboured long and hard in a cause which has been nearer to their hearts than any other thing on earth.

I should like to end with a word of hope. Something, I think, has been gained. People think about this more than they did; and, so thinking, we are being led, as I believe—not now, I know not when—to a solution which shall be larger and more true than this attempted solution would have been had we attained it. To such a solution I think we shall some day come, a solution which shall wound no conscience, which shall meet the convictions of different sections of the community, and shall promote the religious unity of the nation—I earnestly hope that day may not be far off—by granting a full measure of religious freedom in our educational life.

THE DUKE OF DEVONSHIRE: My Lords, I ask leave to address to the House a very few words. I have no intention of attempting to follow my noble friend behind me or the noble Earl opposite in the numerous details of this measure; still less have I any intention of following the most rev. Primate into the far wider considerations which he has introduced in the eloquent speech to which we have just listened.

I rise solely for the purpose of making one or two observations on a much smaller point, and to say why to my very great regret I feel myself unable to concur in the course which has been recommended to us to-night on this side of the House. My noble friend referred to certain communications which it is in the knowledge of every one have been in progress during the last few days, and enumerated a very large number of subjects on which an agreement had not been arrived at and a large number of points which remained in the Bill untouched by the Amendments of the Government, to which he took strong exception. But I did not understand my noble friend to say that on any of those points but one had it been found that it was impossible that an agreement should be arrived at. I did not understand him to say that all of them had even been discussed, and I certainly did not understand from him that it had been found that on any large number an agreement was absolutely impossible.

It has been stated in the Press, and I think the statement of my noble friend tended to corroborate that statement, that there was one point on which agreement has been found to be absolutely impossible, and that disagreement on that one point has been so pronounced and distinct that it was useless to waste time on going into a further examination of the other points to which my noble friend referred. If that statement is correct, or has any approach to correctness, it is against the severance of communications or rupture of negotiations that I desire to protest. In my opinion a very sharp distinction exists and ought to be drawn between those provisions of the Bill which relate to the transfer of schools, such provisions as are contained in Clauses 2 and, I think, 10, 11, and 12, and those which relate to the future management of the schools which are transferred.

As the Bill reached us it would have been entirely within the option of the local authority whether certain voluntary schools should or should not be transferred at all, and the schools which had to be taken over by the local authority would by a certain date have ceased to exist and would never have been resuscitated and would have been replaced by schools provided by the local authority. On this point we have secured very considerable concessions from the Government. We have secured that every existing voluntary school, whether it is a school for which Clause 3 or Clause 4 facilities are desired, should have an appeal from the decision of the local authority to the Commission to be appointed under the Bill, the fairness and impartiality of which have been universally recognised. I would not say that the conditions of that appeal are entirely satisfactory or entirely adequate for the protection of all existing voluntary schools; but I did not understand that upon that point the last word of the Government had been spoken, or that upon that point, or anything approaching that point, communications broke down.

The provisions relating to the future management of transferred schools seem to me to belong to a very different category. Of the highest importance as

The Duke of Devonshire.

some of those provisions are, they are not and cannot by their nature be of a final character, and their effect and operation can only be tested by experience of their working. Under these circumstances, they must be to a large extent, certainly to some extent, subject to future revision by Parliament. I cannot altogether agree with what fell from the Lord President of the Council when he said that if the compromise proposed by the Government had been found to be practicable, it would only have been on condition that the Bill should be taken as an agreed Bill, by which I imagine he intended that this should be a complete and final settlement of the whole question.

*THE EARL OF CREWE: I think that perhaps I ought to correct the noble Duke. What I intended by that phrase was that the Opposition should be willing to drop all their substantial Amendments in consideration of the concessions offered by this side of the House. }

THE DUKE OF DEVONSHIRE: The Opposition might have dropped their Amendments, and, if a compromise had been arrived at, they would have done so. But it was not for noble Lords opposite, nor upon this side, nor within the power of this Parliament, to secure that any agreement or compromise which might be arrived at in the present session should necessarily become a permanent or a final settlement. If the rumour to which I have referred that it was on the point of the teachers in the Clause 3 schools that this suggested compromise finally broke down is true, then I say that is a point which eminently comes within the category of the second class of provisions to which I have referred. That was a provision relating to the future management of these schools, and, in my opinion, it is one of those provisions which would most probably have come up very shortly for review in another session of Parliament. I believe that both the original arrangement, and the amended arrangement proposed by the Government would have been found unsatisfactory, and in many cases so unworkable that the local authorities and the teachers themselves would have been the first to require some alteration and amendment of the clause. Therefore

I say that insistence upon the special form of this clause was not a point on which I should have considered it necessary to impose a summary conclusion to the negotiations.

But, be that as it may, I admit I am so impressed by the prospect of uncertainty and doubt over the future of our voluntary schools—and, indeed, over the possibility of the effective continuance of real religious teaching in our elementary schools at all in the future—that personally I should have been inclined to make almost any concession in provisions which were not of an irrevocable character rather than relegate the decision of this question to another session of the present Parliament or the next which would have to deal with this subject. But I know very well the difficulties which my noble friends behind me would have had in dealing with their supporters in either House of Parliament, and, perhaps still more, in the country if they had been disposed to take my view. Considering the enormous importance which has been attached throughout these discussions to these special provisions respecting the teachers, I know it would have been very difficult for them to have made any concession or shown any sign of yielding upon this point. I have received, as no doubt your Lordships have, a vast number of letters, memorials, and representations upon this subject; and I acknowledge that not one out of ten—I should say nearer, not one in a hundred has been in the direction of conciliation, but rather in the direction of refusing any concession. I am, however, not at all certain that after a very short time has elapsed, when these more or less irresponsible advisers have had greater experience of the results which will follow the loss of this Bill, they may not regret that they have not allowed their representatives in this House a freer hand and a larger discretion. But great as the difficulties have been, none the less I feel myself obliged to raise this protest, unavailing and ineffectual as I know it to be, and belated as I am afraid I must confess it, against the decision which has been arrived at to stop communications, with the possibility of compromise upon other points, upon this solitary question of the teachers.

I do not know whether we shall ever see another Education Bill in this Parliament. If we should, I trust we shall be able to approach it with a clearer perception of the great and marked distinction, to which I have called attention, between those provisions which must necessarily be permanent and irrevocable, and those other provisions which can be subjected to revision in the light of experience. Before I sit down I should like to say how fully and entirely I concur in some of the words uttered by the most rev. Primate towards the conclusion of his speech. I feel, as he feels, the amount of mischief which has been done by the large use that has been made, with imperfect consideration, of the enunciation of great principles. Almost every question that has been raised has been referred to such principles as that of public control, of no tests for teachers, and of the rights of parents. These are principles to which all of us are able to give a qualified acceptance; but, unfortunately, in enunciating those principles we all of us attach to them a totally different significance.

In my opinion, our educational system never has been founded upon any great, wide, and generally-accepted principles. I doubt very much whether it ever will be. If this Bill had been passed, either in the form in which it was originally introduced or as amended by this House, it certainly would not have conformed to any of the principles which have been laid down. I wish we could have been more unprincipled. If we could only have recognised this Bill as merely a set of regulations, a set of practical, perhaps even they might be called empirical regulations, for the future management of our public elementary schools, if we could have concentrated our attention on whether those regulations were consistent with the efficiency of education and with a sense of justice on the part of all parties concerned, and omitted all consideration of principles, I think it would have been possible to have made greater progress. I hope we shall hear less about principles and more about those practical regulations of which an Education Bill must always ultimately consist.

VISCOUNT GOSCHEN: My Lords, I think your Lordships will sympathise with me when I say that I am as sorry to find myself in opposition to the noble Duke who has just sat down as he was to find himself in opposition to my noble friend behind me. I rise mainly to say this, that, not being a Party man——

SEVERAL NOBLE LORDS: Oh, oh!

VISCOUNT GOSCHEN: I think I may frankly say I am not a Party man. I have been drummed out of the Party. At any rate, I ask your Lordships to believe that in all I have said in this matter I have been entirely free from Party. I have simply regarded it as an educationist, and as one wishing for fair play and justice for the voluntary schools. I must really ask the House and the public to believe that in this matter I am not animated by Party; and I claim that this House has not been animated by Party. It is not fair to say that the action which has been taken by the Opposition leaders has been taken under the influence of any single individual, however powerful. Each Member on this side of the House has had a full opportunity of expressing his opinion, and it is almost a unanimous opinion at which we have arrived. I may say this, in reply to my noble friend who has just sat down, that, if his view had been taken, and if the Amendment with regard to the teachers had not been pressed, I should not have hesitated to take the same course which he has taken in the opposite sense, and I should have come forward and said that I did not see my way to agree with those who had come to the conclusion that the Bill could be passed without that Amendment.

The Amendment with regard to the teachers, though my noble friend does not attach the greatest importance to it, seems to me to be absolutely of the essence of the case. No one could have listened to the most rev. Primate without seeing how certain that is. It lies at the bottom of the whole case. In his very ingenious argument, to which I listened with great interest, my noble friend made a distinction between Amendments dealing with the future and those dealing with the present. The noble Duke would have

concentrated all the necessary influence upon securing Amendments which would ensure voluntary schools being taken over, because that was a matter of present interest. If I understood him rightly, he would have postponed all that related to the future management of the schools. If that had been done, what would have happened in the interval? All the teaching by the existing teachers would have been stopped, the whole of the religious instruction would have got out of gear, and the whole of the present generation of children would have been deprived, or might have been deprived, of the instruction which they now enjoy. Would that have been a solution? Would that have been a condition of things which could have been contemplated with equanimity? From the very commencement it has always been certain that the point on which it was absolutely necessary to insist was that existing teachers should be allowed to continue to teach.

Nothing could be more extraordinary than the contention of the noble Earl the Lord President of the Council that the Clause 3 schools would, with your Lordships' Amendments, have become denominational schools. Let noble Lords remember that the management would be entirely different. No stress has been laid upon the fact that three of the managers would have been appointed by the local authority and three by the minor local authority. Therefore the whole of the management would lie in hands that might, if I may say so, be manipulated in order to prevent the leave being given to the teachers. That is a point which I do not think has been sufficiently insisted upon. At this stage, however, I do not wish to go into details, but I demur from the main point in my noble friend's speech that the teachers' question was the only point at issue. It was not the only point. My noble friend is misinformed if he imagines that with the teachers' question settled all other differences would have been settled. I have not been present at the conferences to which allusion has been made, but I have heard a great deal about them, and I believe it is acknowledged by the Lord President of the Council himself and by his friends that

the chasm was much wider than the one created by the question of the teachers. I am certain that no member of His Majesty's Government will get up and say that there was a prospect of settlement in this matter if the question of the teachers had not been pressed. It is of supreme importance that no mistake of that kind should be made in the country, and that it should be known that the question of teachers was not the only one at issue.

*THE EARL OF CREWE: As the noble Viscount has asked that Question, I have no hesitation in saying that from the moment the negotiations began I had not the faintest expectation that they would meet with any success.

VISCOUNT GOSCHEN: Ah! The noble Earl knew the minds of his colleagues. We now see the spirit in which they approached the conference.

*THE EARL OF CREWE: I cannot allow that statement to pass. It was the attitude of noble Lords opposite very early in the negotiations that made me come to that conclusion.

VISCOUNT GOSCHEN: It was the attitude of the noble Earl and his friends which very early in that conference gave to noble Lords on this side of the House the conviction that it was perfectly useless to hope for agreement. [Cheers, and MINISTERIAL cries of "Divide," and OPPOSITION cries of "Order."]

THE MARQUESS OF RIPON: I would ask my noble friends behind me not to interrupt the noble Viscount. He is a man so distinguished that he is entitled to be heard with respect and in silence by your Lordships.

VISCOUNT GOSCHEN: I do not claim a hearing on any personal grounds, but I really think this is a very serious matter and one of extreme importance. I maintain, and my noble friend opposite has not contradicted me, that it was not only on the teachers' question that difference existed. I do not think the noble Duke would have been entitled to say, even if that were the case, that the negotiations ought to have been carried on ;

but I maintain that the chasm was much wider and that no efforts on the part of noble Lords on this side of the House could have produced a settlement acceptable in view of the attitude taken by His Majesty's Government. I give the Government credit for wishing to give more, but their supporters would not let them.

I will not intrude any further observations upon the House except to say this, that there has been in the House of Commons and in a certain portion of the Press a tone of menace with reference to Church schools which I greatly deplore. It has not found much expression in the courteous speeches of the Lord President of the Council, but in the concluding words of the noble Earl I did detect a tone of menace when he said that no doubt harsh things would be done. What does that mean? One cannot read much, perhaps, into those five simple words; but when one sees that it has been said out of doors that by administrative action pressure is to be brought on the schools in order to secure by administration that which Parliament will not grant, then I think those words derive some significance. Surely it cannot be the intention of His Majesty's Government to say that by administrative action they will do, because of the rejection of this Bill, what otherwise they would not have thought it necessary to do; that because of the rejection of this Bill they will put such penal pressure on voluntary schools that those schools will be squeezed out. I want to know: Is sectarian animosity to be enthroned in the Board of Education in order to carry out the views of a Parliamentary majority? However that may be, the Church and the denominations must face the difficulty and must look those threats in the face. The Church, at all events for the present, retains its 12,000 schools, and it will be the business of the Church, by increased exertion, by increased enthusiasm, and by increased sacrifices, if necessary, to see that she keeps the same position of respect and confidence which she has established in the country, so that when fresh attacks come it will be found that the Church has not been asleep, but has done its utmost, in these troublous times,

to maintain the schools which have been founded by the exertions of the past, and which will be continued by similar exertions in the future.

THE DUKE OF NORFOLK: I do not wish to detain the House for more than two minutes. I should be very sorry, however, if the debate closed without my expressing the sincere feeling of myself and those who share my religious views, that undoubtedly the Government have taken a very great step towards meeting our wishes in the Amendment which they have put down upon the Paper with regard to the appointment of teachers. I cannot say that it is absolutely satisfactory, because it hardly safeguards the question of the religious teaching upon which we feel so keenly; but I do appreciate the fact that the Government have made a very distinct effort to meet our wishes. I think that my co-religionists would be disappointed and sorry if I did not publicly express that feeling. At the same time I do most sincerely regret that, while they have given that boon to those interested in Clause 4 schools, they have not seen their way to go still further, and remove the barriers in the way of entering under Clause 8. I am bound to say that it was distinctly disappointing to find, on looking through the Amendments of the noble Earl the President of the Council, that that matter had not been dealt with. I admit that on the fraction question the Government has shown that it is prepared to give something, but it is only a small part of what is really required. On the two Amendments of Lord Lansdowne and Lord Crewe the attitude of the House has been equally rigid. The first one was with regard to the number of those voting. This put nearly one-fifth of our schools in instant and serious jeopardy. The Amendment of Lord Lansdowne, which was negatived, the House preferring that of Lord Crewe, would have made it possible at any time when there was no school available of the character required, for any two or three parents, who had among them ten children, entirely to destroy all our facilities with regard to Clause 4 schools. With regard to future schools that is a question of enormous importance.

Viscount Goschen.

By the Amendments carried in this House it was rendered impossible to have any fore-knowledge in building a school whether the money would be lost or whether the school would be taken over. Those points make us feel that our view as to Clause 4 being an illusory boon have been justified to the end. It is unnecessary for me to dilate upon this point, because the noble Lord has told us to-night that it is intended that these facility schools are to be exceptions. Surely, when he said that, he must have known that his invitation to us to carry such a Bill could not be accepted, and that those who belong to the religious body to which I belong must have felt it an intolerable strain. Since the Act of 1870 we have never handed over one single school to the school boards of the country. That has been our determination in the past, and we are not likely to accept any Bill which clearly fore-dooms many of our schools to extinction. The noble Earl ended his speech with a remark which seemed to come very strangely from him, after all that we have heard. I could not use the word "threatening" to anything which fell from the noble Earl the Lord President of the Council, but there was a sinister warning in what he said. If he meant that we are to have a hard time of it, I can only say that we have had a hard time during the last sixty years. We base our claim merely upon justice, and we ask for nothing for ourselves that we do not claim for every other parent in the country; and if we are to be treated with some severity because we have adhered to what we believe to be our duty to the religious well-being of the community, we do believe and trust that our countrymen in the future will remedy this, and that ultimately our claims will be satisfied.

THE MARQUESS OF RIPON: I cannot but regret that my noble friend Viscount Goschen should have indulged in a very unnecessary sneer at my noble friend the Lord President.

VISCOUNT GOSCHEN: I am sure that anything like a sneer was entirely absent from my intention, and I cannot

imagine that what I said could be taken in that spirit.

THE MARQUESS OF RIPON: There is certainly some distance between my noble friend and myself, but what he said sounded exceedingly like a sneer. I am convinced that all concerned in the communications in which we have recently been engaged were animated by a sincere desire to come to a satisfactory conclusion. That desire was equally sincere on both sides. The question was a very difficult one and involved a great number of considerations, and perhaps it is not very surprising—though it is very lamentable—that they did not result in something more satisfactory than what has come about. But I cannot for a moment doubt the good faith of those who met together upon that occasion. The most rev. Prelate, at the conclusion of his eloquent speech, indulged in a hope that this question would shortly be solved—apparently, in the space of a few months or, at all events, a few years. I am afraid I cannot share that feeling of the most rev. Prelate—I wish I could. I feel penetrated with a very sincere and deep regret that this Bill is to be destroyed. No Bill is perfect and no Bill that will ever be brought before either House of Parliament will not be open to question and criticism. But the question is, as it seems to me. What lies before you if you reject this Bill? I say if you reject this Bill—I do not mean by “if” that I have the smallest doubt that this Bill will be now rejected—but if this Bill is rejected, I think you should ask yourselves, more than you appear to have done, what is to be the result. The noble Duke who was sitting on the Cross Benches (the Duke of Devonshire) is, I think, the only person who in the course of this debate has grappled with that question, and really shown that the most important point of all is, What is the future that will be left to us? That, my Lords, is the subject to which I desire to address the few words that I shall speak to your Lordships to-night. This Bill being rejected, the country is sent back to the condition created by the Act of 1902. I can conceive

nothing more unfortunate, for the cause of education in all its branches, than that we should be forced to return, for any period, to conduct the educational administration of the country under the Act of 1902. Your Lordships do not seem to me to realise the position in which His Majesty's Government found themselves when they came into office. I think I touched upon that point in words which I ventured to address to your Lordships at the conclusion of the debate on Second Reading. We found ourselves in a position not of our creating and not brought about by our acts but created by our opponents—a position which had led to the gravest difficulties—difficulties so grave that your Lordships seemed to agree at least that something ought to be done in the matter. You say you have accepted the principle of public control, and you have intimated, in words, a willingness, in some form, or other, to accept the principle of no tests for teachers; therefore you have admitted that the position created by the Act of 1902, and the general election which followed it, has been such as to need large and important alterations in the present state of affairs. But, my Lords, if you reject this Bill, do you think you will be hereafter able to settle the difficulties under which we now suffer more easily than you can do now? Do the noble Lords who support denominational education believe that they will get again the terms that they might have had under this Bill? In saying that, I beg your Lordships to understand that I am making nothing in the nature of a threat—I have had too long an experience in this House not to know that the very worst thing in argument is to indulge in a threat—I have too much respect for your Lordships to do anything of that kind. But I do feel that I should be wanting in the performance of my duty, not only to the Government but to your Lordships' House, if I did not venture to raise a warning voice upon this measure. My noble friend (the Duke of Norfolk) spoke, I was glad to hear, with some acceptance of the change which we offered to make in Clause 4,

THE DUKE OF NORFOLK: I am afraid that my remarks were limited to only one proposed change.

THE MARQUESS OF RIPON: Well, my noble friend is, I know, very difficult to please in this matter. But, my Lords, I must really tell my noble friend that I have the most earnest conviction that nothing more than Clause 4, as it would have been amended under our late arrangements, could be obtained at the present time. And, if you are going to reject this Bill in the hope that you will get something better for denominational schools some years hence, may I be forgiven for saying that that is pure gambling. I do not believe you will get anything more; on the contrary, though I should deeply regret it, I fear you are likely to get, not more, but less. Look at the situation which will be created when this Bill has been thrown out. You send us back to the state of things which exists at the present moment; we shall have all over again, particularly since the decision in the West Riding appeal, the passive resisters; we shall have infinite administrative difficulties; we shall have greater difficulties still with both county and borough councils; we shall have a continuance—aye, and perhaps an aggravation, of that agitation which the Act of 1902 created. Do not

let your Lordships think that those who are the standing opponents of the Act of 1902, and of all that it created, will be quiet. You will have a renewal of agitation dangerous to the interests of education; you will have a renewal, aye, and an aggravation of the state of things which led to the introduction of this Bill.

That, my Lords, is the argument which I feel bound to address to your Lordships to-night because, for that state of things, the responsibility must rest upon those who have—I have no doubt in perfect honesty—rejected the measure because it has not satisfied them in certain respects. I have, all my life, been a practical politician, and I have all my life thought it was political wisdom—perhaps I might say that it was statesmanship—to take what you can get in the circumstances of the case. My Lords, it seems to me that you are more likely to get less than more now that this Bill has gone; and it is to me, I honestly admit, a source of the very deepest regret that this measure should fail.

On Question, “That this House do insist on its Amendments to which the Commons have disagreed,” their Lordships divided:—Contents, 132; Not-contents, 52.

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 Shute, L. (*V. Barrington.*)
 Somerhill, L. (*M. Clanricarde.*)
 Stalbridge, L.
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 Stewart of Garlies, L. (*E. Galloway.*)
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 Wolverton, L.
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Crewe, E. (*L. President.*)

Ripon, M. (*L. Privy Seal.*)

Devonshire, D.

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 Carlisle, E.
 Carrington, E.
 Chesterfield, E. [*Teller.*]
 Chichester, E.
 Craven, E.
 De La Warr, E.
 Dundonald, E.
 Fortescue, E.
 Portsmouth, E.
 Russell, E.
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Althorp, V. (*L. Chamberlain.*)

Hereford, L. Bp.

Boston, L.
 Brassey, L.
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 Elgin, L. (*E. Elgin and Kin-cardine.*)
 Eversley, L.
 Farrer, L.
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Headley, L.
 Henry, L. (*E. Dunraven and Mount-Earl.*)
 Kinnaid, L.
 Lyveden, L.
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A Committee appointed to prepare a reason for the Lords insisting on their Amendments. The Committee to meet forthwith.

LAND TENURE BILL.

Amendments reported (according to order).

THE PRESIDENT OF THE BOARD OF AGRICULTURE AND FISHERIES (Earl CARRINGTON): I believe that at this stage of the Bill it is not usual to postpone the title, and therefore I will move to leave out of the title of the Bill the words "Land Tenure" and to insert the words "Agricultural Holdings."

Amendment moved—

"In page 1, to leave out the words 'the Tenure of Land,' and insert the words 'Agricultural Holdings.'"—(*Earl Carrington.*)

Amendment agreed to.

Amendment moved—

"In page 1, to leave out lines 5 and 6."—(*Earl Carrington.*)

"In page 1, line 7, after the second 'one,' to insert the words, 'of the Agricultural Holdings Act, 1900.'"—(*Earl Carrington.*)

Amendments agreed to.

THE DUKE OF NORTHUMBERLAND moved to amend sub-section 1 of Clause 1 by inserting a proviso that the sum

payable to the tenant as compensation for improvements should in no case exceed the fair value of the labour expended or the outlay incurred by him. He said that he made the Motion in order to ascertain the view of the Government as to the effect of the omission of the words in the former Act reserving to the landlord the increased value² due to the inherent capabilities of the soil. Upon what basis was the value to the tenant to be assessed? He was rather afraid that on the last occasion when he spoke upon this point he misled the House by suggesting a supposititious case, and he apologised for having done so. He would put another case which he thought would make perfectly clear the point to which he desired to have an answer from the Government. Suppose that tenant A had spent £5 in putting on the land a particular manure, and B spent the same amount upon his land. The land of A perhaps would respond more readily than that of B. Suppose the land of A responded to the extent of 4 per cent., and the land of B 2 per cent. Each of these tenants spent the same amount of money upon his holding. Were they to receive compensation in proportion to the amount of their own expenditure—which he thought was fair, and which would be the effect of his Amendment—or were they to receive compensation according to the benefit which the land had received from their action? He submitted that the inherent capabilities of the soil—the power that a particular piece of land had of responding to certain treatment—was not a matter for which the tenant was entitled to compensation. He was afraid that as the Bill now stood, unless some such words as he had suggested were inserted, this matter would be left in doubt, and he could not help thinking that the matter was of such importance that it ought to be very clearly laid down. He begged to move the insertion of the words of which he had given notice.

Amendment moved—

“In page 1, line 18, after the word ‘tenant,’ to insert the words, ‘such sum shall in no case exceed the fair value of the labour expended or the outlay incurred by the outgoing tenant.’”—(*The Duke of Northumberland.*)

The Duke of Northumberland.

EARL CARRINGTON: I will do the best I can to explain the objects of the Government in regard to this clause. In the case put by the noble Duke of tenants A and B, he says one pays 4 per cent. and the other 2 per cent.

THE DUKE OF NORTHUMBERLAND: The two tenants spend the same amount, but the return of one is 4 per cent. and the return of the other is only 2 per cent.

EARL CARRINGTON: The two tenants spend the same amount, and the return in one case is 4 per cent., and in the other 2 per cent. The noble Duke asks whether the compensation should be paid on the expenditure of these two tenants or on the value of the improvement to the incoming tenant. The basis is the value of the improvement to the incoming tenant and the compensation will be such an amount as fairly represents that value. There is in the old Act a provision that what is justly due to the inherent capabilities of the soil shall not be taken into account. The value is to be measured not merely by the labour expended, but also by the skill and experience brought to bear on the work, and the success or otherwise of the improvements. If the proper manures, for instance, are used, and skilfully put on the land, the cost might be the same as if unsuitable artificial manures were improperly applied, and yet, according to the noble Duke, both those tenants will receive the same compensation.

THE DUKE OF NORTHUMBERLAND: No, no.

EARL CARRINGTON: The compensation should be paid not upon the expenditure, but upon the value of the improvement to the incoming tenant. I have done my best to explain the point to the noble Duke, and I hope he is satisfied with my explanation.

*VISCOUNT ST. ALDWYN: I quite appreciate the point which has been raised, but I am afraid that the words proposed by the noble Duke do not carry out what he desires to establish. The noble Earl in charge of the Bill was quite right in saying that the measure

of compensation in all the Agricultural Holdings Acts has been the value of the improvement to the incoming tenant, and not what the tenant has expended upon that improvement. That seems to me to be the only fair basis on which it can be calculated. A man might spend a great deal of money upon things which would be absolutely useless to the incoming tenant, and why should he receive that money back again as compensation? On the other hand, if the compensation to the out-going tenant is limited by the words suggested by the noble Duke, the result will be that if the improvement is worth a great deal more to the incoming tenant than the outgoing tenant has expended upon it the latter will not be fairly compensated for his expenditure and labour. If a tenant makes a mistake in regard to the improvements he makes, or if they were badly designed and badly executed he will suffer accordingly. On the other hand, if the improvements are well done the tenant will gain, and surely that is fair. The noble Duke desires to establish the principle that the tenant shall not receive anything due to the inherent capabilities of the soil. I happen to be, in some sense, the author of those words, because I remember when the original Act was being discussed in the House of Commons many years ago the President of the Board of Agriculture of that day used these words as showing in his opinion what the tenant could not be allowed to claim for, and I asked him to insert them in the Bill, which he did. So far as I have been able to ascertain in my part of England, valuers have never been able to understand these words, so that they have been practically without any effect, and I do not think any interest will be damaged by their omission.

THE DUKE OF NORTHUMBERLAND: Under the circumstances I will not press my Amendment.

Amendment, by leave, withdrawn.

EARL CARRINGTON: I desire to move the omission of the words "any custom or." My technical advisers are

of opinion that this Amendment is both desirable and necessary.

Amendment moved—

"In page 1, line 22, to leave out the words, 'any custom or,' and to insert the word, 'the.'"
—(Earl Carrington.)

Amendment agreed to.

EARL CARRINGTON: I now propose to leave out the words "to be determined by" in order to insert the words "referred to." This is simply a drafting Amendment drawn to meet a suggestion made by Lord Camperdown.

Amendment proposed—

"In page 1, lines 22 and 23, to leave out the words 'to be determined by,' and insert the words 'referred to.'"—(Earl Carrington.)

Amendment agreed to.

Amendments proposed—

"In page 2, line 7, to leave out the word 'section,' and to insert the word 'sub-section.'"

"In page 2, lines 10 to 13, to leave out sub-section (3) and to insert the words '(3) The following rule shall be substituted for rule (10) in Part I. of the Second Schedule to the Agricultural Holdings Act, 1900:—The arbitrator shall, on the application of either party, specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award, and the award shall fix a day not sooner than one month or later than two months after the delivery of the award for the payment of the money awarded as compensation, costs, or otherwise, and shall be in such form as may be prescribed by the Board of Agriculture and Fisheries.'"
(Earl Carrington.)

Amendments agreed to.

THE EARL OF KINTORE moved an Amendment to enable a landlord who is obliged by ill-health to live away from his property to give his tenant permission in writing to kill game coming from preserves abutting on his farm, in lieu of paying compensation for damage done by the game. His Amendment was intended to provide against possible hardship which he was confident that the Minister for Agriculture did not desire to inflict. The clause provided that—

"Where the tenant has sustained damage to his crops from game the right to kill and take

which is vested neither in him nor in anyone claiming under him other than the landlord, he shall be entitled to compensation from his landlord for such damage."

To illustrate what he meant he would take the case of a tenant who farmed some fields liable to damage from game crossing from a neighbouring owner's land. The landlord, being compelled to live away from home on account of ill-health, might empower his tenant to protect his crops by killing and taking the game causing the damage. If his information was correct, as the clause now stood, that landlord might nevertheless be held liable for damages. He did not think that his noble friend intended this, and he hoped he would accept this Amendment. He begged to move.

Amendment moved—

"In page 2, line 16, after the word 'landlord' to insert the words 'and which the tenant has not permission in writing to kill.'" (*The Earl of Kintore.*)

EARL CARRINGTON: I shall be very pleased to accept this Amendment.

*LORD BALFOUR OF BURLEIGH: If the noble Earl will look at the Bill he will find that the words are "kill or take."

EARL CARRINGTON: If that is so they have slipped in by mistake, and I must ask the House to allow it to read "kill and take."

*LORD BALFOUR OF BURLEIGH said the words "or take" were put in deliberately. He believed the words were to be found in the Ground Game Act, and surely this measure ought to be on all fours with that Act. It was quite a different thing "to kill and take" from "to kill or take." A man might take without killing and in that way get off.

EARL CARRINGTON: I must ask the House to allow me to retain the words "kill and take." The draughtsman says the words ought to be "kill and take."

Amendment agreed to.

EARL CARRINGTON: I have now to move a series of Amendments intended *The Earl of Kintore.*

to make the procedure perfectly clear. Their object is to secure prompt notice to the landlord of damage done, thus removing any difficulty as to the tenant's position in the case of damage, and generally to clear up any ambiguity in the clause. As amended, the clause will read—

"(2) The amount of compensation payable under this section shall, in default of agreement made after the damage has been suffered, be determined by arbitration, but no compensation shall be recoverable under this section unless notice in writing of the damage is given to the landlord as soon as may be after the damage was first observed by the tenant and a reasonable opportunity is given to the landlord to inspect the damages, (a) In the case of damage to a growing crop before the crop is begun to be reaped, raised, or consumed; (b) In the case of damage to a crop reaped or raised, before it is begun to be removed from the land—and unless notice in writing of the claim together with the particulars thereof, is given to the landlord within one month after the expiration of the calendar year, or such other period of twelve months as by agreement between the landlord and tenant may be substituted therefor in respect of which the claim is made. (3) Where the landlord proves that, under a contract of tenancy any compensation for damage by game is payable by him, or that in fixing the rent to be paid under such contract allowance in respect of such damage to an agreed amount was expressly made, the arbitrator shall make such deduction from the compensation which would otherwise be payable under this section as may appear just. Provided that in the case of a contract of tenancy current at the commencement of this Act, such a deduction as aforesaid shall be made, whether the allowance was to an agreed amount or not, and whether the allowance was expressly made or not, and for the purposes of this proviso a tenancy from year to year current at the commencement of this Act shall be deemed to continue until the first day on which either the landlord or the tenant could, the one by giving notice to the other immediately after the commencement of this Act cause the tenancy to determine. (4) Where the right to kill or take the game is vested in some person other than the landlord the landlord shall be entitled to be indemnified by such other person against all claims for compensation under this section."

By these Amendments we secure prompt notice of damage and remove any difficulty as to the tenant's position in the case of damage done within three weeks and the one week specified in paragraphs (a) and (b). Any ambiguity as to the meaning of the word "year" is also cleared up. I sincerely hope that the House will regard these Amendments as making for clearness and simplicity. If the House will permit me I will make these Amendments *en bloc*.

Amendments moved—

"In page 2, line 26, to leave out the words 'claim for compensation' and insert the word 'damage.'"

"In page 2, line 28, after the word 'and' to insert the words 'a reasonable opportunity is given to the landlord to inspect the damage.'"

"In page 2, lines 29 and 30, to leave out the words 'at least three weeks.'"

"In page 2, line 30, to leave out from the word 'is' to the word 'and' in line 33, and insert the words 'begun to be reaped, raised, or consumed.'"

In part 2, lines 34 and 35, to leave out the words 'at least one week.'"

"In page 2, line 35, after the word 'is' to insert the words 'begun to be.'"

"In page 2, line 36, to leave out the words 'written particulars of the claim are' and insert the words 'notice in writing of the claim, together with the particulars thereof, is.'"

"In page 2, line 37, to leave out the word 'year' and insert the words 'calendar year, or such other period of twelve months as by agreement between the landlord and tenant may be substituted therefor.'"

"In page 2, lines 40 and 41, to leave out the words 'whether made before or after the commencement of this Act.'—(*Earl Carrington*.)

Amendments agreed to.

Amendments moved—

"In page, 3 line 14, to leave out the word 'or' and insert the word 'and.'—(*Earl Carrington*.)

Amendment agreed to.

Amendment proposed—

"In page 3, lines 23 and 24, to leave out the words 'produced upon the holding.'"

"In line 25, after the word 'land' to insert the words 'on his holding.'—(*Earl Carrington*.)

***LORD BALFOUR OF BURLEIGH** asked how could a tenant cultivate any land which was not on his holding?

EARL CARRINGTON said the provision related to arable land on his holding. An Amendment was inserted the other day which, by accident, was not recorded, but which had the same effect as this one. He had inserted the words "arable land on his holding" so as to make it clear that it did not include pasture land. The insertion of these words now made the matter quite clear.

Amendment agreed to.

EARL CARRINGTON: I desire to move an Amendment to Clause 3 (freedom of cropping and disposal of produce), omitting the qualifying words "generally recognised in the district as good husbandry in respect of land of a like character." I venture to submit this Amendment instead of the Amendment standing in the name of Lord Balfour of Burleigh. The noble Lord proposes to leave out the same words, but he wishes to insert in lieu thereof the words "consistent with the principles of good husbandry." The words of the noble Lord are better than those originally inserted in Committee, but they are open to the same objection in principle. The object of the clause is to give the tenant, not merely freedom to crop as other people are cropping, but freedom to crop subject only to the condition that there shall be no injury to the holding. Subject to this condition we desire to encourage initiative and enterprise on the part of the tenant. Good husbandry is not a fixed and stereotyped thing, and what may be regarded as inconsistent with the principle of good husbandry at one time and in one particular part of the country may come to be regarded as quite consistent with those principles at a later date. With great respect, therefore, I ask the House to consider this matter from our point of view and accept this Amendment.

Amendment moved—

"In page 3, lines 25 and 26, to leave out the words 'generally recognised in the district as good husbandry in respect of land of a like character.'—(*Earl Carrington*.)

***LORD BALFOUR OF BURLEIGH** said the House would recollect that the words which he proposed to leave out were inserted during the Committee stage of the Bill. The words he now proposed were then on the Paper, but he withdrew his Amendment, and the House substituted an Amendment standing in the name of Lord Penrhyn. If their Lordships would look at the early words of the clause they would see that it read "notwithstanding any custom of the country." Then the clause went on to provide that the tenant should have the full right to practise any system "generally recognised in the district." That was really the custom of the country. Those words were wholly inconsistent

the one with the other, and to that extent he submitted that the words of the clause were not suitable. The noble Earl agreed with him as to the words which ought to be deleted, but after that point their harmony ceased, because he considered it important that words should be inserted limiting the freedom of the tenant, not, indeed, in that which was good, but in that which was bad. Without some such safeguard as he proposed landlords in his own part of the country would run the risk of serious deterioration of their property. He could not tell the House how strongly he felt on this point. They ought to provide this very small and reasonable limitation to the immense amount of freedom which the noble Earl proposed to give to the tenant. They would part for a year with the whole control of their land. The bargains between landlord and tenant were being interfered with, and he did not think it was asking too much to lay down that cropping should be done consistently with the principles of good husbandry. He begged to move his Amendment.

Amendment moved—

"In page 3, lines 25 and 26, to leave out the words 'generally recognised in the district as good husbandry in respect of land of a like character' and insert the words 'consistent with the principles of good husbandry.'"—
(*Lord Balfour of Burleigh.*)

THE EARL OF DENBIGH hoped the noble Earl would consent to the insertion of the words "consistent with the principles of good husbandry." It was the original Amendment suggested on the Committee stage, and he thought the Government would find it very difficult to offer any sound objection to it. The proposal made it clear to the tenant that he had to cultivate his land consistently with the principles of good husbandry, and he hoped the House would decide to insert those words.

*VISCOUNT ST. ALDWYN: The noble Earl opposite says the words in the Bill are objectionable because they appear to limit freedom of cropping and discourage enterprise on the part of the tenant which may lead him to try experiments which might be of real ultimate benefit to agriculture as well as to his own holding. I very much sympathise with that view, and I am very glad that Lord Balfour has moved to

Lord Balfour of Burleigh.

substitute these words. I do not think the two sides of the House are very far apart on this point. The noble Earl in resisting this Amendment said "a tenant ought not to do anything which would have an injurious effect on the permanent interest of the holding." I think those were his words. Really, if those words were put into the clause they would have precisely the same effect as the words proposed by my noble friend.

THE EARL OF CAMPERDOWN said he did not see how the Government could object to these words. He did not think their fathers were such fools as some people took them to be in this matter, and if their Lordships inquired why in the past there had been ridges and furrows and so on they would find very good reasons for that system of cultivation. One well-known authority held that they could cultivate eight, ten, or twenty white crops one after the other without doing the land any harm. Without going any further into that question, even that might be considered to be consistent with the rules of good husbandry. He hoped the noble Earl would see his way to insert those words.

THE MARQUESS OF LANSDOWNE: If my noble friend presses his Amendment I think he might leave out the reference to principles.

THE EARL OF CAMPERDOWN: No.

THE MARQUESS OF LANSDOWNE: Surely the words "consistent with good husbandry" would be sufficient. I cannot see what the noble Lord means by a reference to the principles of good husbandry, because I am not aware of any place where a definition of those principles is to be found.

*LORD BALFOUR OF BURLEIGH said the reason why he put in those words was that they formed an expression which was well understood in Scotland. If it was not likely to carry weight in England he was in the hands of the House, but it was clearly understood by everybody in Scotland.

THE MARQUESS OF RIPON: I am in favour of giving the largest possible freedom to the tenant in this matter. I

believe that if you want to have the best cultivation of your land you had better treat the tenant as you would treat any other person investing his capital in any other industry, and give him as much freedom in the management of his own business as you possibly can. It seems to me that that is a very legitimate and a very wise proposition, and I should very much regret the introduction of any words which would tend to restrict the tenant in this matter. Of course it is necessary to take precautions to protect the landlord from any injury or loss. I do not know whether your Lordships have noticed the words which provide that the tenant "shall make suitable and adequate provision to protect the holding from injury or deterioration."

Those were the words suggested by the noble Viscount opposite, and as they appear in an earlier part of the clause, I should have thought they would have had the effect desired by the noble Viscount without unnecessarily interfering with freedom of cropping.

On Question, "That the words 'generally recognised in the district as good husbandry in respect of land of a like character,' stand part of the Bill," resolved in the negative.

On Question, "That the words 'consistent with the principles of good husbandry' be there inserted," their Lordships divided:—Contents, 85; Not-Contents, 22.

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Fitzmaurice, L.

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Grimthorpe, L.
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Haversham, L.
Overtoun, L.
Sandhurst, L.
Stanley of Alderley, L.
Tweedmouth, L.
Weardale, L.

LORD CLINTON said he had an Amendment on the Paper to insert the words "suitable manures having." He thought that some such words as these were necessary to make good the loss which the soil must sustain by the selling off of produce which it had always been the custom and good practice to consume upon the farm. Since he had placed this Amendment on the Paper he had received a communication from the noble Earl in charge of the Bill, informing him that he appreciated the reason and point of his Amendment, and stating that he had himself placed some words on the Paper which would meet the case. He had consulted his friends on the point, and they agreed that the words suggested would suit their purpose equally well, and under those circumstances he would not move his Amendment.

Amendments moved—

"In page 3, line 32, after the word 'full' to insert the word 'equivalent.'"

"In page 3, line 33, after the word 'value' to insert the words 'to the holding.'"—(*Earl Carrington.*)

Amendments agreed to.

LORD SALTOUN said he had an Amendment on the Paper to insert after the word "holding" the words, "to the same effect and with the like enduring benefit to the land as if such produce had been consumed on the holding." He wished to acknowledge the courtesy of the noble Earl in charge of the Bill in communicating with him in reference to his Amendment, and as the point had been met he would not move.

THE EARL OF CAMPERDOWN moved an Amendment providing not only for the return to the holding of the full equivalent manurial value of the crops removed from the holding in contravention of the custom, contract, or agreement, but that "in either of such cases the tenant shall, if required, notify in writing to the landlord the provision so made or to be made." His Amendment stated clearly what the adequate provision was that had to be made to prevent the deterioration of the holding from cross cropping, and it also made clear what was to be returned to the holding from the crops which were sold off. He thought it was very desirable that the landlord

should be informed in some way what provision was going to be made for these purposes.

Amendment moved—

"In page 3, line 34, after the word 'agreement' to insert the words 'and in either of such cases the tenant shall, if required, notify in writing to the landlord the provision so made or to be made.'"—(*The Earl of Camperdown.*)

EARL CARRINGTON: I am afraid I must resist this Amendment because it places on the tenant, especially in the case of the smaller men, an obligation which it is quite impossible for them to discharge. If the Amendment is passed it will lead to a good deal of friction and misunderstanding. I think that the tenant ought to be trusted to cultivate his holding subject to the safeguards provided in the Bill, which in my opinion, are quite adequate.

LORD SALTOUN asked what "adequate provision" meant. It seemed to him that the whole of the noble Earl's intentions in this Bill were to protect the farmer and give him every facility against the landlord. He did not seem to consider the position of the landlord at all. There were such things as bad tenants, and there were difficulties in the way of getting rid of them. What was sauce for the goose ought to be sauce for the gander, and he should like the noble Earl to point out in this Bill anything which would show what adequate provision meant.

Amendment negatived.

LORD CLINTON moved an Amendment providing that the provisions of the clause should not apply—

"(a) In the case of a lease for nineteen years or longer duration as respects the last three years before the expiration thereof; or (b) in any other case as respects the year before the tenant quits the holding, or any period after he has given or received notice to quit, which results in his quitting the holding."

Their Lordships would remember that when the Bill was in Committee, an Amendment was moved to provide that sub-section (1) should not apply to the last four years of any tenancy, and it was generally agreed that that provision went further than its mover intended. Leases of four years and under would have entirely escaped the provisions of

that sub-section, and leases of five, six, or seven years would have been very little affected. The Amendment was originally proposed in the interests of long leases such as they had in Scotland. He hoped the noble Earl would consider the words he had proposed were suitable to meet the case. It was obvious that this clause gave very large powers to the tenant. If those powers were misused for a year only the landlord could get rid of his tenant without much harm being done, but if a tenant had a nineteen years lease he might work very considerable damage before his lease could be brought to a termination. The Amendment was not only in the interests of the landowner but also in the interests of the incoming tenants. Their Lordships knew perfectly well the exceedingly difficult position the incoming tenant was in if he took a farm in a bad state of cultivation. He believed that three years, although not a very long time, might be sufficient for the tenant to put his farm in something like order. He hoped the noble Earl would see fit to accept the Amendment.

Amendment moved—

"In page 3, line 35, to leave out from the word 'apply' to the word 'tenancy' and insert; '(a) In the case of a lease for nineteen years or longer duration as respects the last three years before the expiration thereof; or (b) in any other case as respects the year before the tenant quits the holding, or any period after he has given or received notice to quit, which results in his quitting the holding.'"—(*Lord Clinton.*)

EARL CARRINGTON said he very much regretted that it was absolutely impossible for him to accept the Amendment as it touched one of the vital parts of the Bill. It would deprive the tenant of his freedom of cropping during the last three years of his lease, and in view of the safeguards provided against the injury or deterioration of the holding he did not think that the Amendment was in any way necessary. He would ask the Committee just to look at the clause as it stood—

"Notwithstanding any custom of the country or the provisions of any contract of tenancy or agreement,"
and so on—

"The landlord is entitled to recover damages in respect of any injury or to obtain an injunction restraining the exercise of his rights,"

and so on. This applied, as their Lordships would see from the words he had read, to all tenancies under the Act. And what did this Amendment propose to do? It proposed, for the last three years of a nineteen years' lease to prevent the tenant cropping as he liked. They were told that in a great many cases these nineteen years leases were determinable, or broken, as he believed the expression was, at the end of seven or fourteen years. What would be the result of this? A lease of nineteen years would be broken at the end of seven years, and after the first four years the tenant would not know whether he might crop as he liked in order to make the best of his holding, or whether he would be obliged to crop according to the, he was almost going to say, penal conditions of old days. The thing could not possibly work. He must make a firm stand upon this. If the Amendment was pressed, as he supposed it would be, he must take the sense of the House on the subject.

LORD SALTOUN pointed out that the noble Earl was entirely wrong; this Amendment did not apply to any break. It did not apply to the last three years with a break of seven, or ten, or any other number of years; it merely applied to the nineteen years, or the twenty-one years as in England. It was not meant only for Scotland; it was meant for England also. And he would point out to the noble Earl that those in Scotland who had leases were at the present moment, under the present Bill, in a much worse condition than their English friends who had yearly leases. There was not the slightest doubt that if an English landlord had a quarrel with one of his tenants, and wished to get rid of him, he could do so by paying him one year's rent. But with these Scottish leases they were in a very different position. A man might destroy his farm, but they could not turn him out; he was there for nineteen years, and during the last years of his lease he could leave that farm in a very bad state, unless there was some restriction during the last few years requiring him to put the farm into some sort of rotation. Let them consider for one moment,

If the farm was let down and left, the tenant might say, "It is not worth my while keeping this farm unless you give it to me for a very much reduced rent." If the landlord replied "No," whether paid compensation or not, the tenant would go, and the landlord must either take that farm into his own hand, and go through a complete course of cropping, and put it in proper order before he could let it again, or else let it at a very much reduced rent. On the other hand, if he let it at a very much reduced rent, the tenant might keep it for a certain number of years. They must remember that one of the conditions of this Bill was that nineteen years leases would cease, twenty-one years leases would cease, and the tenure would be from year to year after the present leases had expired. A tenant would offer a very much reduced rent because the farm was left in bad repair. He would keep it for a few years, and then leave it, and he would go to the landlord and say "I have put this farm into excellent order; you must compensate me for what I have done." The landlord was in a hopeless position; he would have to pay. That meant compensation for what the other man had lost for them. There was absolutely no equality about it; the landlord was done either way. He earnestly hoped that Lord Clinton would press the Amendment to a division. If carried, it would result in benefit not only to Scottish landowners, but to landowners all over the kingdom.

THE EARL OF CAMPERDOWN thought the experience of Earl Carrington was chiefly English. He wondered whether it had occurred to him to go to the Scottish Office and ask how this clause would work in Scotland. He was bound to say that judging from their experience of the amount of help which the Scottish Office had given in regard to this Bill, which, as they knew, was to be applied to Scotland, he did not think it would have done him much good even had he gone there. He greatly doubted whether at the Scottish Office they really knew anything about Scottish agriculture at the present time. At all events with regard to this

Lord Saltoun.

Bill, which was a Bill drawn for England and extended to Scotland, the Scottish Office had not done one single thing to make it applicable to Scotland and to introduce the necessary Amendments for that purpose. He would point out to the noble Earl what he was doing. He was saying that this clause was not to apply for one year to a tenancy of any sort or kind, whether it was a yearly tenancy, whether it was a lease for nineteen years, or of any other duration. What was that except to put the man who let his land for nineteen years in an inferior position to the man who let his land for one year? What would be the result of that in Scotland? It would be to do away with nineteen year leases. Any man in future who let his land for nineteen years, whatever arrangements he might make with his tenant with regard to cropping or any thing else, would know that such arrangements were useless. If he let his land for nineteen years he was hung up for nineteen years, whereas if he only let it for one year, as his noble friend Lord Clinton had pointed out, he could get rid of his tenant if he had cropped his land badly, at the end of one year. He had no doubt that the noble Earl thought he was doing a great deal for the interest of the tenant. He was certain that he had not a tenant himself who would wish to see this Bill passed, and he did not believe the tenants generally in Scotland wanted it for one moment. They had told the noble Earl, with regard to the clause for compensation, that they thought it was perfectly inapplicable to Scotland. The Bill was to be applied to Scotland, but it was not applicable to that country, and the result was that they would do away with nineteen year leases in Scotland. No doubt there were people in the House of Commons—and there might be some of their Lordships—who thought that that meant nothing. If they went to Scotland, and knew anything about Scotland, he was sure they would know that the Scottish tenants did not think so, and if no difference were made between yearly leases and yearly tenancies in Scotland all he could say was that he believed most sincerely it would produce a most prejudicial effect upon

Scottish agriculture, and when he said Scottish agriculture he meant from the point of view of the tenant.

***LORD BALFOUR OF BURLEIGH** said that the difficulty they, as Scottish landowners, were in arose from the fact that the Bill was drafted for England and not for Scotland. It was drafted hurriedly, no doubt, and by people who knew nothing about the conditions prevailing in Scotland with regard to land tenure. He would like very much to ask the First Lord of the Admiralty whether, when the Government determined to take up this Bill, they realised that it would apply also to Scotland, and that it would have such a prejudicial effect upon the Scottish system of nineteen-years leases.

***VISCOUNT ST. ALDWYN** said that they on the Opposition side had often expressed their appreciation of the way in which the noble Earl (Earl Carrington) had met their proposals with regard to this Bill. He was sorry, therefore, that he had not shown any reciprocal appreciation of their endeavours to meet his views. He was sure that the clause as proposed by his noble friend Lord Clinton was a great improvement on the words in the Bill. The terms of the clause, as amended in Committee, were very much wider not only because four years were substituted for three, but also because they would apply to all leases, and, as his noble friend had said, would practically enable any person who gave a lease of four years to contract himself out of the application of the clause. His noble friend (Lord Clinton), desiring to be fair to the tenants, and to facilitate the working of the clause, had made this proposal to their Lordships. He did not think that, as a rule, English landlords gave anything like nineteen years leases, and therefore it was a proposal rather for Scotland than for England. As an English landlord, if it would meet the wishes of His Majesty's Government he was quite willing to see this proposal applied solely to Scotland. It was the Scottish agricultural system that required it, and he believed the desire for it was by no means confined to landlords, but would be found among tenants as well. He hoped that Earl Carrington would con-

sider the matter from the Scottish point of view, at any rate, before the Bill became law.

EARL CARRINGTON said that of course he did not pretend to be a Scotchman, but he did pay a certain amount of deference and respect to the feelings of Scotsmen, and he would like to draw the attention of the House to the summer conference of the Scottish Chamber of Agriculture and associated societies held in June, 1906. He had the honour of seeing the Scottish farmers in Edinburgh, and, as the Earl of Camperdown had said, he thought it was a good rule that, generally speaking, people should be allowed to manage their own affairs in their own place. He would therefore refer to the discussion of these Caledonians on the 15th June. Clause 4 of the Bill was discussed by them, and none of those present—most of whom had leases—put any amendment at all to the resolution of the chairman, who, he supposed, was also a Scotsman. The chairman at that meeting said to his brother Scotsmen—

“Well, there is no amendment to this resolution, so that I may take it that Clause 4 is unanimously approved of.”

Those hard-headed men unanimously approved of Clause 4 as it stood in the old Bill, and under those circumstances he thought he was perfectly justified in sticking to his guns, and he would certainly take the sense of the House—either on this point or on his own Amendment which brought it back again to the original form that these Scottish people approved of—that it should be limited to one year only.

On Question, after a division had been challenged, but not persisted in, Amendments agreed to.

Drafting Amendments agreed to.

EARL CARRINGTON moved to leave out sub-section (5), which had been inserted on the motion of the Earl of Wemyss. He thought that on reconsideration the House would agree that this sub-section was impracticable and of no real utility to the landlord. Very few farmers could

comply with it, and it affected a most numerous class who would be unable to do what was required. There was no reason why the landlord and tenant should not agree to adopt the proposal for arrangement contained in the Bill. These were matters which, he would respectfully submit to the noble Earl (the Earl of Wemyss), should be the subject of agreement instead of statutory obligation. He thought that that was a distinction which the noble Earl would be the first to see and to appreciate, and therefore he hoped he might be permitted to leave out Sub-section (5).

Amendment moved—

"In page 4, lines 20 to 29, to leave out sub-section (5)."—(*Earl Carrington.*)

THE EARL OF CAMPERDOWN: May I ask the noble Earl why, if he objects to this sub-section now, he accepted it on a previous occasion?

***THE EARL OF WEMYSS** said he would leave the matter in the hands of the House. Their Lordships had approved of it when he ventured to move it. It was not his own idea, but was suggested to him by responsible persons and it was accepted. He had pointed out on a former occasion that it would be a very good thing, and that it would have a beneficial educational effect; it would teach the farmers to keep their books and their accounts properly. He would now be content with repeating that, and would leave the matter in their Lordships' hands.

On Question, Amendment agreed to.

***THE EARL OF WEMYSS** moved to leave out the fourth clause. He objected very strongly to the Government's interfering with the management of private property. He had held that view through a long Parliamentary life; he had stood by it on the Irish Land Bill of 1870, and again in 1881; also on the Agricultural Holdings Bill in another House and in other ways. He did not see, provided that the landlord and tenant did nothing immoral in the management of their estate, that the Government should have anything to do with it. Of course there were

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few landlords and a great many tenants, and one could understand that there might be a Parliamentary reason for the part of the tenant being taken up by the Government. Passing that by, however, this Bill was not originally the Bill of the Government; it was one of those many Bills that, ever since the necessity of getting a First Reading in the other House was done away with by Mr. Disraeli, had flooded the House of Commons, and led to confusion. He wanted to know on what principle the Government up these Bills. It was very interesting for one to know the secrets of the Cabinet so far. He had his own idea on the subject, and that was that there was a small Committee of the Cabinet which looked through these Bills; that they took up any likely Bill, and asked themselves, "Does this interfere with contracts? If so, we will star it, and take it up. Does this Bill transfer property rights from the real owner to the tenant or to some other person? If it does, then we will star it." Lastly, and this was a very large order and covered the whole field, they inquired, "Is this a Bill conceived upon the old Liberal principles of the greatest happiness of the greatest number—of voters?" If the Bill satisfied any or all of those conditions, it was starred. He would not say that the present measure was a star of the first magnitude; but that it would become so, if they did not take care, he was perfectly certain. The Front Opposition Bench appeared to be satisfied with certain changes that had been made in the Bill. Any changes that he had seen made did not touch the evil of the Bill—the crux of the Bill—which was in the beginning of the fourth clause. Let them read the advertisements of the different clauses which appeared at the back of the Bill. In the case of the present Bill they would see that it embraced the principle of compensation for disturbance. Anybody who had paid attention to the Irish Land Bill knew pretty well what that meant, and what it might grow to. It meant tenant right; in the long run it meant dual ownership. That was an evil principle, and he would point out for their Lordships' consideration that it began thirty-six years ago in the Irish Land Act, which gave compensation

for disturbance. That Act was an exceptional measure. He had before him the words of Mr. Gladstone when he brought in that Bill, and he might say of Mr. Gladstone's legislation that he looked upon him—as they would say in Scotland—as the “old Adam” of all evil modern legislation, for it all dated from the Irish Land Act. What did Mr. Gladstone say? Did he see in the future any probability of this legislation coming to England and Scotland? Far from it. He said, when he introduced his Irish Land Bill of 1870—

“The Bill is a measure wholly and absolutely exceptional. We look upon it as an exceptional Irish measure. Nay, more, we hope the time may come when, instead of being extended to England and Scotland, the provisions of this Bill may no longer be necessary in Ireland.”

That was the opinion of Mr. Gladstone when he brought the Irish Land Bill forward in 1870. Now let them trace the history of that Bill. What had it ended in? They had had the Land Bill of 1881, and it had ended in the expropriation of the Irish landlords. He had met, in the autumn, an Irish landlord who was a great devolutionist, who said to him with a twinkle in his eye, “I have got rid of all my property. He (the Earl of Wemyss) said, ‘Have you? What have you done about your place and the surrounding grounds?’” “Oh! that is mine for ever,” was the answer, to which he had responded, “Yes! till they want it.” That was the state of things in Ireland. Now he had told them how all this came from the nest-egg of the Irish Land Act of 1870. Did they wish to import into England and Scotland this same thing. If so, let them vote for this clause and vote against his Motion. He hoped their Lordships, warned by the history of Ireland, would take time by the forelock and prevent evil which would otherwise befall for generations to come; and in that hope, and in the hope that he would have some support (and he would divide if he even had a teller), he would move the rejection of this Clause No. 4.

Principiis obsta; and he asked their Lordships also to remember that splendid French saying, “Fais ce que doit advenir que pourra,” and to act upon it.

Amendment moved—

“In page 4, line 30, to leave out from beginning of clause to ‘by’ in line 32.”—(*The Earl of Wemyss.*)

EARL CARRINGTON said he really had heard with great regret the determination of the noble Earl to move to omit this clause. They had listened to his speech with the greatest pleasure, as they always did, but he was bound to say that the subject of the speech was really to his mind a grievous one. He talked about the evils of the Bill. What were the evils of the Bill? The main evil of the Bill was, the noble Earl had said, compensation for disturbance, and he had gone on to say that that meant tenant right and dual ownership. There was no tenant right within the four corners of the Bill.

THE EARL OF WEMYSS: I beg your pardon. Compensation for disturbance is tenant right.

EARL CARRINGTON: I deny it.

THE EARL OF WEMYSS: Absolutely.

EARL CARRINGTON said that compensation for disturbance did not mean tenant right, and there was no such thing in the whole of the Bill. They could not twist anything in the Bill into dual ownership. What was the idea of the noble Earl's speech? It was the old idea of hundreds of years ago: “All that is on the earth is mine, and all that is under the earth is mine, and if you do not leave all my property as I wish, and as I tell you, I give you notice to quit. Never mind how long you have been on the property—out you go, and you are not to have any compensation.” He would honestly admit that if he lived under the noble Earl, or if he lived under any Member of their Lordship's House, he would have no fear, and he would not have any wish that a Bill of this sort should be brought before their Lordships. But unfortunately things were not in that happy condition that their Lordships would have them believe. He did not wish to make a Second Reading speech but he thought it was only courteous

to the noble Earl to put clearly before the House the view of the Government, not only on the omission of this clause, but on the various other proposals which they would have in a moment or two to discuss upon Clause 4. Perhaps it would save time if he said a word or two on the whole question. The Bill was passed in the House of Commons by large majorities, and they gave great concessions. The Government had gone as far as they could go, as he had said before. In his endeavours to meet the wishes of the Opposition he had strained the loyalty of the Liberal and Radical Party almost to breaking point. A hundred and fifty of them went into the Division Lobby against him, and he could not find it in his heart to blame them, for, had he been a county Member of the House of Commons, he thought he would have done the same thing. That Bill came up to their Lordships' House, and passed a Second Reading without a division; and he had submitted, and would do so again, that the agricultural opinion all over great Britain was favourable to the Bill.

SEVERAL NOBLE LORDS: No, no.

EARL CARRINGTON said he was perfectly certain in his own mind that the great majority of those who had agricultural interests, and of the tenant farmers, was in favour of the Bill. He had quoted on a former occasion the words of Lord Helmsley, and he was told, and perhaps properly told, that the opinion of a young Member of another House ought to have no effect upon their Lordships' House. But he might be permitted to bring forward the opinion of a well known Member of their Lordships' House, a kinsman of his own, who had very large property in Lincolnshire, and also in Scotland, who was not a Liberal, and who, he believed, disliked and opposed the Bill as much as any Member of their Lordships' House could possibly do. But what did he say? Lord Ancaster was speaking a few days ago at Grantham, at a meeting of the Conservatives of the Stamford division. Their Lordships knew that Lord Ancaster was one of the longest-headed of men, and a man whose opinion was

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worth having. He had a very large property in Scotland as well as in England, and there was not one word in his speech in support of taking the Scottish leases out of the Bill. What did he say? He disliked the Bill, and he gave his reasons why he was opposed to it. But he also said—

“However, they had got to accept it and to make the best of it. That was what it had come to. He only trusted that the hopes of those who brought in the Bill would come to pass, and that it might do good and have a favourable impression on agriculture. If their anticipations came to pass it would be good for the tenants and good for the labourers—”

and so on. Lord Ancaster accepted the Bill, and he was prepared to accept it as it stood. What was the proposal now before them? It was practically to penalise the leaseholders who, as a rule, were the best tenants that their Lordships or any other landlords had, and gave the landlord the greatest security. They were the men who stuck to the estate—the men who had confidence in their landlord and were ready to stand by him. And the advantages of this Bill were given to whom? To the man who had a yearly tenancy, and who could go, sometimes in six months, sometimes in twelve months, and clear out altogether. What was the Scottish attitude with regard to this Bill? The whole of the Members of Parliament for Scotland were unanimous in its favour, and after all one must remember that there was such a place as the House of Commons, and that persons in the House of Commons were elected by the suffrages of their fellow citizens, and that, if they did not represent the feelings of their fellow-citizens at the next election they would lose their seats. All these Scottish Members of Parliament were unanimously in favour of the Bill, and that, to his mind, was conclusive evidence that Scotland, as a country, was favourable to it. And besides that, there was the increasing disposition of the Scottish Chamber to accept the clause they had now before them. He asked their Lordships, was it wise to make a leasehold tenancy less attractive in the tenants' eyes by withholding from the leaseholders rights and privileges which they had very generously given to other tenants? He implored them to do a

generous thing, and to do it in a generous manner. Let them treat all their tenants alike, or what would the country say? The country would say that a hardship and an injustice had been done to the best representatives of a hard-working, honourable, and industrious class of men. He thought it would save the time of the House to express what the feelings of the Government were on this point—that they could not give way as regarded the leaseholders; that they could not exempt them from the benefits of the Bill.

*THE EARL OF FEVERSHAM said that, in rising to support the Amendment, he might tell the House that he was one of those who, notwithstanding what had fallen from the noble Earl the President of the Board of Agriculture, thought that this Bill contained a certain amount of dual ownership. In the sixth clause it was provided that if a tenant claimed for certain improvements, and gave notice to the landlord, and the landlord was not prepared to carry them out, the tenant should be able to do so and then come down upon the landlord to pay the expenses. That was really giving the tenant leave to deal with another man's property, and of course that amounted to dual ownership. He had always been in favour of making every concession to the tenant farmers of the country. He thought he knew something of them. They were an industrious, a loyal and a patriotic class, and he had always thought that Parliament should do all it could to meet their views. There were some parts of this Bill with which he must say he agreed. He thought it was quite fair that they should give compensation for unexhausted improvements. It was quite fair that they should give compensation for any damage or injury done by game or in any other way. It was quite fair that they should give a certain freedom of cropping, and not be too restrictive in their agreements in that respect. But when they came to this fourth clause, he quite agreed with the Earl of Wemyss that it was a new departure, which introduced a principle first originated in Ireland in the Land Act of 1870. It tended to a certain fixity of tenure. The noble Viscount, Lord St. Aldwyn, who was once

a member of a Conservative Ministry, seemed to doubt, in what he said the other night, that this clause included fixity of tenure. It did not say so in so many words, but if they hedged it round with every kind of obstruction, if they made it impose a great expense upon the landlord—an unknown, indefinite expense—they would make him afraid of making any change, though it might be most desirable in the interest of the estate. His opinion was that that almost amounted to fixity of tenure. It was in that direction at all events. It was not fair or just that a landlord should be exposed to unknown and indefinite expenditure, as he might be under this clause, and therefore he agreed with his noble friend and cordially supported the Amendment. They should, in his opinion, reject this clause, which he considered was outside the general principle of the Bill, and which would be dangerous in its effect. It would tend to introduce friction between landlord and tenant. The relations between landlord and tenant were now most satisfactory. They had settled down into a state of harmony and goodwill, and to pass any clause which disturbed that harmony and good feeling was, in his opinion, contrary to the interests of the country and inimical to the interests of agriculture.

THE LORD CHANCELLOR (Lord LOREBURN) said that the Amendment, if carried, would be a death blow to the Bill, and he thought that fact must be appreciated by every noble Lord who had spoken. He could only say that this clause was regarded by the Government as a vital part of the Bill and, if it were thrown out now, it would prove to have been rather a cruel kindness to have given the Bill a Second Reading. He trusted their Lordships would not, at this stage, destroy an essential part of the Bill.

*VISCOUNT ST. ALDWYN said he would only trouble the House with one or two observations, because he had already on more than one occasion expressed his view. He agreed with what the noble and learned Lord had just said to their Lordships, that if they had desired to expunge this clause from the Bill they

ought to have rejected the Bill on the Second Reading. It was undoubtedly one of the most important provisions in the Bill, and having passed this Bill through Committee, and having made considerable Amendments in the clause, which certainly made it more favourable or, at least, less unfair, to the landlord than in its previous shape, he did not see how they could, consistently with what they had already done, reject the clause on Report. He had always asked himself, in considering the clause, not so much whether it would have any very great effect, as what harm it would do? It was very carefully guarded in its present form. The words at the commencement of the clause he thought really freed it from the objection of the noble Earl, Lord Feversham, that it gave fixity of tenure, or could be described as fining a landlord heavily for doing something which would be consistent with the proper management of his estate. But as the noble Earl (Lord Carrington) had accepted Amendments excluding the operation of the clause, in certain cases, limiting the amount of compensation, allowing the landlord to obtain a valuation of the stock, implements, and produce which the tenant would have to sell or remove on quitting the holding before sale or removal took place, and constituting a tribunal at the option of either party in the county court for the better and more just carrying out of the clause, he hoped their Lordships would not accept the Motion of his noble friend Lord Wemyss, but would agree to the clause as it now stood.

THE DUKE OF NORTHUMBERLAND trusted that on such an important question, really touching the whole nature of the Bill, their Lordships would excuse a few words from him even at that late hour. He was sorry he could not agree with the noble Lord, Viscount St. Aldwyn. The noble Viscount asked what harm this clause would do. It would do this harm—it would establish a precedent. Leaving out other parts of the clause which might be commented upon, it for the first time enacted that when an agreement had been made with a man for a certain number of

years, and that number of years was terminated, the landlord at the end of the agreement was not to be at liberty to do as he liked, but, under certain penalties, the tenure must be renewed for a certain term. That was an entirely new principle in English land law, and, with all due respect to the noble Viscount, he must say it was idle to ask what it did. It established a precedent, and he did not see how they could get out of it. The harm of establishing a precedent was this, and they had seen it in past legislation over and over again. The first establishment of a precedent was never important—it was always very small, and it was always recommended because it was so small. Then when a very much greater invasion of good principle was introduced at a later stage in the history of the country, and they objected to it, they were told, "Oh, it is no use your objecting now; you gave up that principle long ago." Therefore he thought it was in the highest degree important that they should protest in the strongest manner against this introduction of a totally new principle in the land legislation of this country. The noble Lord the President of the Board of Agriculture had said that he listened to Lord Wemyss's speech with great delight. He (the Duke of Northumberland) was sorry he could not return the compliment with regard to the speech of the noble Lord the President of the Board of Agriculture, because he accused them—or rather he did not accuse them, because he was good enough to exclude the House of Lords—but he accused the other landlords of England of wishing to keep to the stern old rule that everything was theirs upon the earth and below the earth. In the first place, that was not a very incorrect assertion of the rights of property, but if his words meant anything, they did mean that the landlords of England had used their power in an oppressive manner. With all due respect to the noble Lord, he considered that he had no ground for that charge, and although it was perfectly true that in every class there were certain political black sheep, he would like to remind him of one fact which he and those who had framed this measure had entirely forgotten, viz., that,

Viscount St. Aldwyn.

as there were more tenants in the world than landlords, there were more black sheep among the tenants than there were among the landlords. In all this legislation there was not one single safeguard for the landlord against the tenant of the same value as there was for the tenant against the landlord. Before going further, he would return to this question of the new principle of not allowing a man at the conclusion for his agreement to re-let his land as he liked. He had to let it "according to the principles of good estate management." He would put a case. A man took a lease for ninety years. That lease expired. He received notice, and went, or was about to go, and the landlord intended to take that farm into hand, and to put, perhaps, his eldest son on it in order that he might learn farming. Some people thought that a very wise thing to do if the son was going to hold much property, but was it "good estate management"? He thought the young gentleman would very probably mismanage the farm—which was, indeed, partly the object of letting him farm, in order that he might make mistakes and learn by experience. But that, he imagined, would be an impossible process under this clause, unless large compensation was given to the outgoing tenant. If the noble Lord (Earl Carrington) thought that this Bill was really in favour of the tenants, he was making a very great mistake. He thought it should rather be called "The Annoyance of Good Tenants Bill." He could only repeat what he had ventured to say the other night, that every yearly agreement would have to be called in, and nothing was more disagreeable to a tenant than the suspicion that the terms under which he held would be modified in any way. Not only that, but in a great number of cases more than one name was mentioned in the agreement. In every one of those cases the landlord would have to call in all the agreements and expunge all the names but one, because otherwise, as the existence of two or three names in an agreement would form a partnership, there would be no conclusion of agreement at all unless that was done. What would be the consequence to the tenant? First

of all, it would be against the traditions of many estates, and tenants were very fond of having their relations included in the agreement. He would like to know whether the Government had considered, or was aware, that if these names were not allowed to be put into the lease, tenants would be liable to increased death duties. He had about eighty-five such tenancies on his own estates, and when he called in those agreements, and put only one name in them, those tenants' families would have to pay death duties which they had never had to pay before. Did the noble Lord imagine that this Bill was going to be very popular under those circumstances? And what was going to be the case in small holdings? He saw that the other day the noble Lord had received a deputation from small holders, and had stated that he was very glad to encourage them. Did he think this Bill was going to encourage landlords to break up their farms into small holdings? Did he imagine for one moment that when all these complicated settlements had to take place with every tenant, landlords would wish to have more tenants than they could help on their land? Of course not. It was a direct discouragement to small tenancies, and, what was even worse, he thought it was a very great deterrent to small owner-ships. He was told there were parts of the country already where small owners to some extent existed—they all knew that they were very few and far between—where the owners were agast at the prospect of what would happen under this Bill. The way in which that worked was very plain. A man might be an able-bodied man, and have a son or two at home, and he got on in his small freehold very well. But he knew that some day he would be gathered to his fathers, and that then his widow would probably have to let. What would be the prospect of a widow, who was not, generally, a very good person to manage business? What would be her condition when she had let her lands, and was face to face with all the conditions which the noble Lord had put into the Bill? It was a most retrogressive measure, and he thought that the noble Lord, Lord Wemyss, was perfectly justified in raising this question upon Clause 4,

which was the essence, as had been confessed, of the Bill. He could not quite see the argument of the noble and learned Lord when he said that the whole essence of the Bill was in Clause 4. The whole mischief of the Bill was in Clause 4, or almost the whole of it. That, he admitted, but he should hardly have thought that a representative of His Majesty's Government would have said that in a Bill of some ten clauses the balance were of no value, and were not an improvement upon the present practice. Surely all these provisions in regard to game, cropping, and all the rest of it, were of some value in noble Lords' eyes, and they were not going to put the whole merit of the Bill into Clause 4. He was sorry to have detained their Lordships at that late hour upon a matter which he quite agreed was one rather for Second Reading than for Report; but as they had not been afforded an opportunity before of calling attention to the mischief of Clause 4, he thought they had every right to protest against it now.

LORD BARNARD said he could not vote for the exclusion of the clause. He was perfectly convinced, after making considerable inquiries upon the subject, that there was a strong feeling on the part of agricultural tenants that in some cases they were unduly displaced. He was not going to follow the noble Duke into the details of the clause. The question before the House was whether, on the general principle, tenants should have any compensation in the event of being dispossessed without sufficient reason. As far as his own estates were concerned—although his experience was not limited to one county, but extended over several counties in England—there was no reason for complaint on the part of tenants at all. But from inquiries he had ascertained that here and there—particularly in the midland counties—cases of the kind did now and then occur, and if that was so he considered that in the interests of the farming community generally it was only right that tenants should be protected against such treatment. Therefore, if the noble Lord pressed the matter to a division, he should certainly vote against him.

The Duke of Northumberland.

THE MARQUESS OF LANSDOWNE trusted that the Committee would be guided by the noble Viscount (Viscount St. Aldwyn), and not vote against the clause. He did not pretend that he had any great admiration for it, nor did he attach much credence to the statement of the noble Lord the President of the Board of Agriculture, who had said that the clause was earnestly desired by the agricultural community. There had no doubt been an agitation of a kind going on lately in the country, but it was what he should call a one-man agitation, personally conducted by the noble Earl himself. But what they were face to face with was the fact that their Lordships' House had passed the Second Reading of this Bill, and that as the noble and learned Lord on the Woolsack had told them just now, this clause was really the central clause of the Bill, and there could be no doubt whatever that its rejection meant the failure of the Bill. Speaking quite frankly, he would be very sorry indeed to see the death of this Bill laid at their Lordships' door. He thought the clause, bad as it was, was much more innocuous than many noble Lords supposed. It had certainly become very much more innocuous since the Bill had been before their Lordships' House. He thought, for example, the noble Duke who had addressed their Lordships so earnestly just now was sincere in his belief that one effect would be to oblige the landlord to renew a tenancy at its expiration. As he understood the clause, the question of compensation only arose on the tenant's quitting his holding. Therefore, that to which the landlord was exposed was not a liability to be compelled to renew the tenancy, but a liability to pay a certain amount of compensation in a very extreme case, which most of their lordships believed would arise very infrequently indeed.

LORD SALTOUN wished to ask Earl Carrington one question. He had said that the clause did not include tenant right or dual ownership. Did it relate to fixity of tenure or continuity of tenure?

EARL CARRINGTON: Continuity of tenure.]

On Question, "That the words proposed to be left out stand part of the clause," their Lordships divided:—Contents, 76; Not-Contents, 18.

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	Mowbray, L.	

Drafting Amendments agreed to.

EARL CARRINGTON said that the next Amendment extended over several paragraphs, and as it was practically a drafting Amendment it might be the pleasure of the House to take it *en bloc*.

Amendment moved—

"In line 4, after the word 'stock,' to insert the words 'on or used in connection with the holding,' and also to insert the words 'Provided that no compensation under this section shall be payable—(a) unless the tenant has given to the landlord a reasonable opportunity of making a valuation of such goods, implements, produce, and stock as aforesaid; or (b) unless the tenant has, within two months after he has received notice to quit or a refusal to grant a renewal of the tenancy as the case may be, given to the landlord notice in writing of his intention to claim compensation under this

section; or (c) where the tenant with whom a contract of tenancy was made has died within three months before the date of the notice to quit, or in the case of a lease for years before the refusal to grant a renewal; or (d) if the claim for compensation is not made within three months after the time at which the tenant quits the holding.'"—(*Earl Carrington.*)

On Question, Amendment agreed to.

THE DUKE OF NORTHUMBERLAND said that he had an Amendment upon the Paper which he did not now desire to move, except as regards its last sentence, which might come in after the word "holding" in sub-section (d) of the Amendment just moved by Earl Carrington. The words he proposed were—

"Unless notice of intention to make such a claim shall be given to the landlord not less

than three months before the determination or expiration of the tenancy, and unless full particulars of such claim shall be delivered to the landlord within one month."

He thought that was only carrying out more fully the noble Lord's intention.

*VISCOUNT ST. ALDWYN did not think the words would come in properly where the noble Duke proposed them. They must be very careful what they were doing, as that was the last opportunity they would have of amending the Bill. Paragraph (d) limited the time within which a claim might be made after the tenant had quitted his holding, but what the noble Duke wished was that particulars should be sent in long before that.

THE DUKE OF NORTHUMBERLAND said that if the noble Viscount (Viscount St. Aldwyn), would look at his Amendment he would see that it was really the noble Lord's Amendment, except so far as the last words were concerned.

THE EARL OF CAMPERDOWN:
"Within one month" of what?

THE DUKE OF NORTHUMBERLAND:
Within one month after the three months.

EARL CARRINGTON thought the noble Duke's point was met by subsection (b), which required the tenant to give notice in writing of his intention to claim compensation. He hoped the noble Duke would not press his Amendment, as he thought it would be hard upon the tenant.

THE DUKE OF NORTHUMBERLAND was afraid he was rather irregular to speak so often upon the Report stage, but he would like to remind the noble Earl that there was nothing particularly legal in his Amendment, but it was merely directed to securing that the landlord should have full particulars of the claim. Surely that was a proper thing for the landlord to have.

EARL CARRINGTON said he honestly thought the landlord was properly protected, and he again expressed the hope that the noble Duke would not press the Amendment.

The Duke of Northumberland.

THE DUKE OF NORTHUMBERLAND:
Very well; I will not press it.

*VISCOUNT ST. ALDWYN moved to insert a new paragraph:—

"(e) In the case of leases for fourteen or more years current at the passing of this Act." He said that in Committee words were inserted providing that this section should not apply to leases of nineteen years or longer in duration. He thought that on consideration their Lordships might be of opinion that that went too far, because it would exclude all future leases from the clause as well as existing leases. He had ventured to submit to their Lordships that leases were really in a different position, not only in other parts of the Bill, but also in this clause, from the ordinary year to year tenancy. When two persons entered into a lease—a lease at any rate for nineteen years—each party knew very well that he was entering into an agreement which would in the ordinary course of things be subject to revision or reconsideration at the end of nineteen years, and therefore the suggestion that there would be a capricious determination of the tenancy at that time as there might be in the case of a yearly tenancy, could hardly be said to apply, at any rate in the case of leases made before the passing of this Act. Neither landlord nor tenant could have imagined that there would be a law passed which would prevent a revision of the agreement at the end of the nineteen years. Both parties in the future could take care of themselves. If His Majesty's Government desired to suggest to the landlords—as they did suggest by this Bill—that they should substitute a yearly tenancy for a lease, they could do so; and if the parties preferred a lease notwithstanding that, they could enter into a lease, knowing quite well what might happen at the end of it. Therefore, he had prepared this new paragraph omitting from the operation of this clause only leases for fourteen years or more current at the passing of this Act. He hoped the noble Lord would see that at any rate it was a considerable improvement from his point of view upon the words as they now stood in the Bill—that it was in fact a concession to meet

the objections which he had raised to the excluding of leases from the clause, and yet an attempt, as he did not think could be denied, to do justice in the case of existing leases. He begged to move.

Amendment moved—

“To insert the following new paragraph :
(e) in the case of leases for fourteen or more years current at the passing of this Act.”—
(*Viscount St. Aldwyn.*)

EARL CARRINGTON quite agreed that it was a concession, and an attempt to do justice to existing leases, but he very deeply regretted that it was absolutely impossible for the Government to accept it. He had already said what he had to say on the question of leaseholders being exempted from the benefits of the Act, and he did not now wish to intrude longer on the time of the House. He hoped the noble Viscount would not think it discourteous in him not to reply to his argument at length. He had already stated his objections, and would therefore content himself with making the very strongest protest in his power against the proposal. He was absolutely in the hands of the House, but he hoped his protest would be taken with a view to save the trouble of going to a division.

* LORD BALFOUR OF BURLEIGH hoped that Viscount St. Aldwyn would press his Amendment. He would rather see the Bill lost than that this Amendment should not be adhered to. He did not believe that there was any precedent what ever for such a proposal as that two men should make a bargain for a period of years, both knowing that it was to come to an end at a certain time, and that in the middle of the period there should be somebody coming along and saying, “You are to have privileges for which you have never bargained.” There was not the smallest justification for such a proposal. He had himself voted for the retention of this clause. He had never given a vote with greater reluctance in his life, but he gave it because he thought, after their proceedings the other night, they were in honour committed, after having amended the clause, to keep it in the Bill.

But he voted for it in the hope that at any rate they would receive some consideration in respect of the interference with their leases in Scotland which was set up by this clause. He had appealed to two noble Lords from Scotland a few moments ago—the First Lord of the Admiralty and the Secretary of State for the Colonies—and he had asked a question which he thought demanded an answer. He thought it was a fair and reasonable question, and he begged now to repeat it, and to ask whether, when the Government took up this private Bill, they realised the effect it would have on leases in Scotland, and resolved to break down the Scottish system of land tenure. The noble Earl, the President of the Board of Agriculture, had spoken about penalising the leaseholder. There was no penalty on the leaseholder. He got his full bargain carried out to the end of his term. He got everything he asked for, and had no right to expect more. He (Lord Balfour) held that the First Lord of the Admiralty had given their Lordships a practical promise to do something for the interest of leases. He had promised to introduce certain provisions which would especially meet the case of nineteen years leases. That promise was not even restricted to existing leases. It had a general effect, and he did not think he misinterpreted the noble Lord's intention in saying that when he made that promise he intended to apply it to all nineteen years leases, whether current now or current hereafter. The request before the House at the present moment was not made with regard to all nineteen years leases in the future, although he thought that might fairly be asked, but was merely to restrict the operation of the clause from applying to existing bargains. Not one single argument or reason had been advanced by the Government or their supporters against this very moderate proposal. The hour was so late that he would refrain from quoting speeches made in Scotland by the noble Earl himself, but the President of the Board of Agriculture had gone as far as he could possibly go towards admitting in Scotland that for the protection of the Scottish tenant this Bill and this clause

was not required. They had heard about tenants being given notice in an unreasonable manner. He would like to ask whether, by parity of reasoning, the landlord to whom a tenant gave unreasonable notice ought not to have compensation for his tenant going away unreasonably. Why should there be a difference of that kind as between landlord and tenant? He was afraid some of his arguments were not being listened to by the noble Lords on the Front Ministerial Bench, who were continually conversing with each other. He was sorry to be insistent, but he did not think that noble Lords in England had the slightest idea of the way in which Scottish customs were being broken into by this measure. It was the most unjust thing he had ever known since he entered Parliament. He thought he was fairly entitled to ask why the tenant should be the favourite of the Government at the expense of the landlord. If the tenant gave capricious notice to the landlord, why should not the landlord have compensation? He confessed that he expected his suggestion to be ridiculed, and he did not make it with any hope of its being accepted. But if the tenant was to have compensation under certain circumstances he did not see why the landlord under corresponding circumstances on the other side should not also have compensation. He should certainly urge that this Amendment be inserted in the Bill, and, so far as he was concerned, if it was rejected in another place he would do his very utmost to insist upon it.

On Question, Amendment agreed to.

***LORD BALFOUR OF BURLEIGH** said he would make a third appeal to the noble Lord, the First Lord of the Admiralty, and the noble Lord, the Secretary of State for the Colonies, as to whether, as a matter of courtesy, they would give him some reply to the Question which he had twice addressed to them.

LORD TWEEDMOUTH said that so far as he was concerned he must admit that he had held out certain hopes, which he was authorised to do. For his part he thought it was a very reasonable proposal, but he was prepared

Lord Balfour of Burleigh.

to support the Government of which he was a Member, and therefore he should stand by the Government in this matter.

LORD BALFOUR OF BURLEIGH said that the other Question, which was equally courteously put, was whether, when the Government resolved to take up this English private Member's Bill, they realised the serious inroads which it would make into the Scottish practice.

Consequential and drafting Amendments agreed to.

THE DUKE OF NORTHUMBERLAND, in moving to insert in Clause 6, after the word "intention," the words "together with particulars of such repairs," said that a noble Lord had moved in Committee an Amendment to the effect that the tenants should furnish "plans of such repairs." His Majesty's Government resisted that, and, as he thought, very naturally, because he did not see how the tenant could be expected to give plans—indeed some of the work might not necessitate any plans at all. At the same time, he thought it desirable that the tenant should furnish particulars of repairs; and he trusted the Government would make no objection to that.

Amendment moved—

"In page 5, line 30, after the word 'intention,' to insert the words 'together with particulars of such repairs.'"—(*The Duke of Northumberland.*)

EARL CARRINGTON: I have no objection to that.

On Question, Amendment agreed to.

EARL CARRINGTON, in moving to leave out the word "at" and to insert the words "within one month," remarked that it was merely a drafting Amendment.

Amendment moved—

"In page 5, line 33, to leave out the word 'at,' and insert the words 'within one month.'"—(*Earl Carrington.*)

THE EARL OF CAMPERDOWN said it was nothing of the kind. Lord Carrington was perhaps unaware that he had already accepted that suggestion in

Committee; but, if he had any doubt about it, he would state what had been said. Lord Carrington had proposed to insert "one month," and he (the Earl of Camperdown) observed that he had no particular objection to "one month," but that he thought it rather a short time. Ultimately the noble Lord agreed to accept "three months"; and now the noble Lord, having accepted that, said that this was a mere drafting Amendment. Would the noble Lord explain what he meant?

EARL CARRINGTON said that he would explain exactly what he meant. The fact was that he had forgotten the incident, but, of course, he entirely accepted what the noble Earl had said.

On Question, Amendment agreed to.

Amendment moved—

"In page 6, lines 5 and 6, to leave out the words, 'and in its application to Scotland on the first removal term day thereafter.'"—
(*Earl Carrington.*)

*LORD BALFOUR OF BURLEIGH: Will the noble Lord explain this Amendment?

EARL CARRINGTON explained that the Amendment was in accordance with Lord Saltoun's proposal, namely, to put off the date on which the Bill came into operation to November, 1909.

LORD SALTOUN: No.

EARL CARRINGTON said the date was to be the 1st November, 1909—that was the first of the removal term days. He hoped the Amendment would not be objected to.

THE EARL OF CAMPERDOWN thought there was no objection to this Amendment, provided the noble Earl would assure the Committee that the year "1909" was to stand.

LORD SALTOUN explained that he had not meant what was suggested by Earl Carrington. He meant the Whit-sunday term, which was the first term; and he had mentioned it merely because it was a term day. But, if the noble Earl would accept "1909" as suggested

by the Earl of Camperdown, he did not wish to oppose the Amendment

VISCOUNT ST. ALDWYN pointed out that Earl Carrington had accepted "1909" already.

LORD BALFOUR OF BURLEIGH thought the House ought to have a distinct guarantee from the noble Earl that if they admitted the deletion of these two lines "1909" would be adhered to with all the strength of the Government in another place.

EARL CARRINGTON said he had given a pledge to the noble Viscount that he accepted "1909," and he was prepared to stand by that pledge.

On Question, Amendment agreed to.

EARL CARRINGTON, in moving the insertion of a new clause with special provisions as to Scotland, observed that he did so in redemption of a pledge given in another place to submit these matters for their Lordships' consideration. He had tried to get the Amendment moved by an independent Member, but had failed; and as the pledge was given in the other House, he now moved it himself. The House would probably consider that the Amendment raised some important questions of principle, which at that time of night it was impossible adequately to discuss; but the pledge having been given, he stood by his word, and moved the Amendment.

Amendment moved—

"To insert as a new clause, 'In Scotland—(a) So much of the Ground Game Act, 1880, as limits the number or prescribes the classes of persons who may be authorised under that Act to kill or take ground game otherwise than with firearms shall be repealed; (b) Any agreement made after the commencement of this Act by which an incoming tenant undertakes to pay to the outgoing tenant any compensation payable to him for improvements shall be void.'"
—(*Earl Carrington.*)

THE EARL OF CAMPERDOWN said the House was entitled to ask Earl Carrington whether he made himself responsible for the proposed new clause. This was a Government Bill, and the noble Earl was the Minister in charge of it. He had always understood that

a Minister who put a clause forward in a Government Bill made himself responsible for it. Was the noble Earl responsible for this clause? Because, if not, he would move to strike it out without any further conversation.

EARL CARRINGTON said he had already told the House that a pledge had been given in another place, and he felt bound to move the insertion of the clause so that the matters contained therein might be submitted for consideration. He considered that if a pledge was given it ought to be carried out; and therefore he had put this Amendment on the Paper. The noble Lord was at perfect liberty to do whatever he pleased with regard to it.

THE EARL OF CAMPERDOWN thought this was the most extraordinary thing he had ever heard of in connection with Ministerial responsibility. In the first place, a pledge was given somewhere else that some proposal was to be made in their Lordships' House with regard to a Bill which in the other House was a private Member's Bill. The noble Lord had endeavoured to get among his friends in their Lordships' House some person who would move the Amendment. He appeared to have been unsuccessful, but he now came forward and made the proposal himself. In the first place he had told their Lordships he was responsible.

*THE EARL OF CREWE: Surely at this time of night it is not worth while to pursue this matter much further. The noble Earl (Earl Carrington) has placed an Amendment on the Paper and he has intimated that on both sides of the House noble Lords may vote either for or against it as they please. Under the circumstances, I submit that to pursue the matter any further at this period of the evening would be a mere waste of time.

THE EARL OF CAMPERDOWN said that as he now understood that the Government were perfectly indifferent as to whether the proposed clause was inserted or not, he would vote against it.

On Question, Amendment negatived.

The Earl of Camperdown.

Then (Standing Order No. 39 having been suspended): Bill read 3^a, with the Amendments, and passed, and returned to the Commons.

AGRICULTURAL EDUCATION.

*LORD BARNARD, in pursuance of notice, rose to ask the President of the Board of Agriculture and Fisheries whether it is proposed to hold an inquiry into the system of agricultural education, and, if so, when and what will be the scope of such inquiry. He said that some twelve months ago certain University colleges engaged in teaching agriculture attended at the Board of Agriculture for the purpose of urging their claims for further financial support. Unfortunately, at that moment there was a hiatus in the office of the President of the Board of Agriculture; but the deputation was most courteously received by the Permanent Secretary, and they were assured that the new President of the Board of Agriculture would be consulted as to whether anything could be done. In reply to a question on the subject which he had addressed to him in the summer, the President of the Board of Agriculture (Lord Carrington) himself suggested that probably the best plan would be to hold some inquiry into the system of agricultural education in University colleges. Since that date he (Lord Barnard) had communicated with a very large number of representatives of those colleges and he had received—although there was some regret that no immediate prospect of financial assistance was held out—answers indicating a very general desire that some inquiry should be held on the subject. There were two points put forward; and those points he would respectfully urge upon the President of the Board of Agriculture. The first was, that any inquiry should not be limited exclusively to the question of agricultural education, but should extend also to the question of agricultural research. The other point was that any inquiry should embrace what was being done in other countries. There was a general feeling among those engaged in higher education in agriculture in England that, though England was a most important agricultural country, the Government was very

far behind the United States and other countries, in the assistance it gave,

EARL CARRINGTON said he was glad to be able to inform his noble friend that he had obtained the consent of the Government to set up a Committee to inquire into this matter, and he hoped to have the assistance of his noble friend as a member of that Committee. He hoped that Lord Barnard would allow him to consult with him on the matter, as he had not yet been able to settle definitely the scope of the inquiry, nor to arrange altogether the composition of the Committee. The Committee, however, would be appointed next year, and he hoped he could rely upon the assistance of his noble friend.

TRADE DISPUTES BILL.

Commons' Amendments to Lords' Amendments, and reasons for disagreeing to certain of the Lords' Amendments considered (according to order).

*LORD BALFOUR OF BURLEIGH said he would not occupy the House for more than a few minutes; but, as he was responsible for moving the first two Amendments which had been disagreed to, he thought it due to himself, and only courteous to the House, to say a word or two in respect of the Commons' disagreement to their Lordships' Amendments. On neither of those Amendments was there any division in another place; and therefore, on that ground, even if it stood alone, he should not ask their Lordships to persevere with their Amendments. Under other circumstances, he would have been inclined to ask that the first of the two Amendments, in an amended form—the one in which they had inserted the words “peaceably and in a reasonable manner,” should be retained in a modified form, retaining the word “peaceably.” He was not able to understand why that word was objected to; it was in every Bill presented to Parliament before the General Election, and it seemed to him in itself to be a reasonable thing. But the most striking thing in connection with these two Amendments was the reason given by the House of Commons for their disagreement. With regard

to the first Amendment—and perhaps it was worth while having the words definitely on record—the Commons disagreed—

“Because the peaceable exercise of the right conferred by the clause is sufficiently safeguarded by the words as they stood in the clause as it left the Commons.”

He only wished he could think so. In his opinion, at any rate, it was more than doubtful. But he took note of the fact that those who were foremost in leading the agitation for this Bill, and who would have an important part to play in its working, had, by agreeing to this reason, in his opinion, given an undertaking, not that they would remain peaceable if violent measures were adopted in the course of picketing, but that they would, as in duty bound, do all they could to see that nothing was allowed to be done contrary to peacefulness. The reason for disagreeing to the second Amendment was at least as striking. This was an Amendment which he had moved on the Report stage of the Bill, and which the noble Lord on the Woolsack accepted with the generous remark that it was more scientific in its wording than the provision which it sought to displace. He told them quite frankly, however, that he was not sure that the experts in another place would accept it. As a matter of fact, they had not accepted it, and they had given as their reason:—

“Because the object of the Amendment is sufficiently met by the words of the original clause.”

Some day or other that would have to be construed judicially in their Lordships' House, and he could only trust that the beliefs and hopes, which he had no doubt were honestly entertained in another place, would prove to be well-founded, and that the clauses in this Bill, which would shortly become an Act, would be found sufficient to meet the intention which they were supposed to carry out.

THE LORD CHANCELLOR said that in regard to the first Amendment he really thought it was unnecessary. The law stood sentinel alongside all that was done under this Act, and would see that peace was preserved. He entertained no doubt whatever that the addition of those words would make no

difference to the Bill. In regard to the second Amendment, it was quite true, as Lord Balfour had said, that his own view had been that the words which the noble Lord proposed were more scientific and better; but he was persuaded that it was neither the wish nor the intention of the men to break the law with violence, nor was it their wish to withdraw their property from the ordinary rules of litigation attaching to property. The men thought, and the House of Commons (which was full of experts on this subject) also thought, that the words standing in the Bill were effective for that purpose; and he had not the least doubt they were right, although, as he had said, he himself would have preferred the language proposed by Lord Balfour. He believed their Lordships would find that these men wished to use, as he believed they had proposed, this Bill in good faith for the purpose of carrying it out honestly.

THE EARL OF DONOUGHMORE desired to say with regard to the third Amendment, which he had had the honor of moving, that he had only done so because he and those who thought with him honestly believed that employers did not, under this Bill, receive the protection which they believed the Government intended they should have. Words had now been inserted in the Bill by the law officers of the Crown which were intended to protect employers, and he of course accepted those words wholeheartedly, believing that the Government intended to give them protection under the Bill, and believing also that they had an earnest in these words that if they were found not to be so protected in the future, they would have the Government on their side in guaranteeing them the protection which they were intended to have.

On Question, Commons' Amendments to Lords' Amendments agreed to, and the Lords' Amendments to which the Commons have disagreed not insisted on.

WORKMEN'S COMPENSATION BILL.

Amendments reported (according to order.)

LORD BELPER thought it would be within the recollection of the House

Lord Loreburne.

that there was some discussion on an Amendment which he had moved to Clause 2. On the suggestion of the Lord Chancellor he had put in the word "or," instead of "and" at the end of Clause 2 (1) (a), so that that part of the clause read—

"That such want, defect, or inaccuracy was occasioned by mistake, absence from the United Kingdom, or other reasonable cause; or (b) the failure to make a claim."

and so on. Those words were put in conditionally on the understanding that they should be reconsidered on Report. He had, however, found that they did not at all carry out his object, which was to guard against the time for claiming being extended where it might prejudice the defence that would have to be made by the employers. He would only say that if words could be inserted in somewhat like the original form—

"Provided that the employer is not prejudiced in his defence by the delay in making the claim,"

he would be glad to have them inserted, but he had rather understood, on the former stage of the Bill, that those words would not be agreed to by the other House. If the Government accepted them, he would be willing to have them put in that form. Otherwise, he would move to omit the words which had been added, leaving the clause without the words inserted on the Committee stage. If the noble Lord in charge of the Bill would state what his view was with regard to those words, he would then take whatever course he thought desirable.

EARL BEAUCHAMP said the Amendment was one moved by Lord Belper, and the Lord Chancellor had suggested an Amendment to the noble Lord's Amendment. That was adopted by Lord Belper, who now found that it scarcely carried out his intention. He (Earl Beauchamp) thought it better, as the Amendment did not meet with the noble Lord's wishes, that he should move an Amendment now; because on the whole it would probably be more in accordance with his wishes that the clause or sub-clause should return to its original condition, than that it should go down to another place as it stood.

LORD BELPER said the alternative he proposed was that he should put in the

words, "provided that" and then put in the rest of the words. That was what he would prefer to move, if that would be acceptable. He thought he had better move that the words "provided that" be inserted, instead of "or."

EARL BEAUCHAMP was afraid there was very little chance of the Amendment in that shape being accepted in another place, and therefore he hoped the noble Lord would not press his Amendment, but would be satisfied with the other course suggested, namely, leaving out all the words after "cause."

LORD BELPER said his object was not to put forward either unreasonable amendments or amendments which would not be accepted by the other House. Under those circumstances, he would ask to have the words struck out after the word "cause" to the end.

Amendment moved—

"In page 3, line 20, to strike out after the word 'cause' to the end of the sub-section."—*(Lord Belper.)*

On Question, Amendment agreed to.

Drafting Amendment agreed to.

EARL BEAUCHAMP said that on Clause 8 he wished to move a small Amendment. This was a clause which the draughtsman had found it very difficult to make really satisfactory, and they hoped this would be the last addition to it, and would give no loophole whatever to any lawyer to find a way out. The Amendment he had to propose was, to leave out "requisite" before the word "information," and to insert the word "such" in its place; and in line 12, after the word "furnished," to insert—

"Or is not sufficient to enable that employer to take proceedings under the next following proviso."

He thought their Lordships would see that that was really designed for the protection of employers. He begged to move.

Amendment moved—

"In page 10, line 8, after 'furnished' to insert the words 'or is not sufficient to enable that employer to take proceedings under the next following proviso.'"—*(Earl Beauchamp.)*

LORD BELPER said there was a small consequential Amendment which would have to be inserted in the schedule. At page 22, line 16, the word "applicants" should be in the singular. The fact was, the word "either" had been inserted, instead of the word "both," in the Committee stage; and in order to make the provision read properly, it would have to be "on payment by the applicant," instead of "on payment by the applicants."

On Question, Amendment agreed to.

EARL BEAUCHAMP said he had now to deal with a very important Amendment, which had been inserted in Schedule 1. He was afraid the mistake was partly owing to his own fault. They had been discussing the question of commutation, voluntary and compulsory, and as the Bill was somewhat complicated, he was unable to point out to the noble Lord, at the time he asked the Question, the provisions in the Bill which dealt with voluntary commutation. The wish of the noble Lord was that there should be nothing in this paragraph of the schedule which would prevent voluntary commutation; and at the time he (Earl Beauchamp) was unable to point out that voluntary commutation was dealt with under an entirely different section—he thought Section 17—while this paragraph dealt entirely with the question of compulsory commutation. It was rather because he was unable to satisfy the noble Lord that the Amendment was inserted by a somewhat narrower majority than was usual in their Lordships' House. Under those circumstances, he would ask the noble Lord (Lord Belper) to allow the words as they originally stood to go back, on condition that a proviso was inserted to make it perfectly clear. The words he proposed were—

"Provided that nothing in this paragraph shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum."

He thought that made it perfectly clear; and he might remind the noble Lord that money obtained in commutation was very often squandered; and that the Digby Committee laid great stress upon commutation.

LORD BELPER said the noble Earl (Earl Beauchamp) had been good enough

to communicate this suggestion to him before the discussion of this stage of the Bill; and he thought that the words proposed by the noble Earl really made clear what he was anxious about with regard to this paragraph. His object was not to limit the sum which might be assessed when the employer made application, but to make it quite clear that an agreement could be come to to pay a less sum as between the two parties themselves. If the words proposed were inserted, they would carry out his view, and would allow of such agreements being made. Those agreements had been very numerous in the past, and it would be very much to the interest of employer and employee if they were allowed to be made in the future also. Under these circumstances, he begged to withdraw the words which had been inserted; and he would ask the noble Lord to move the words which he had suggested instead.

EARL BEAUCHAMP said he was very much obliged to the noble Lord (Lord Belper) and begged to move accordingly.

Amendment moved—

"In page 23, line 16, to insert the words 'Provided that nothing in this paragraph shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum.'"—(*Earl Beauchamp*.)

On Question, Amendment agreed to.

Drafting Amendments agreed to.

*LORD KINNAIRD did not know whether he might, without notice, move the omission of provisoes (c) (d) and (e) from paragraph 9 of the second schedule of the Bill. In another place, provisoes (a) and (b) were put in; and a good many of those interested in the working of the Bill thought that they would fully meet the case; but somehow while they were left in, (c) (d) and (e) were not deleted. He would not go into the matter at any length; but their Lordships were aware that in the working out of these compensation appeals the expenses and the lawyers' bills ran up very high; and this further appeal which was allowed to those interested in the workman's case would add very considerably to the expenses both of the workman and of the employer. For instance, a case had lately come up in which one

Lord Belper.

of the unions found the money in order that the case might go on; and, although the workman was quite satisfied, and eventually got what the company had settled with him for, he was told to claim for the full six months. Eventually, he was exonerated from the costs, and the company was allowed to go against the union. He did not know whether the Government had thought of provisoes (c) (d) and (e) being unnecessary; or, if so, whether they would consent to leave them out.

EARL BEAUCHAMP was afraid that it was quite impossible for His Majesty's Government at this late period to accept such a serious Amendment as the one suggested without notice. They had had a very long—perhaps he might say a very interesting—discussion on a previous occasion, dealing with the general machinery of the Bill. A suggestion was not made to this effect by any noble Lord. They had been unfortunate in not having the presence of the noble Lord (Lord Kinnaird) on that occasion, and he hoped that the noble Lord would accept his assurance on behalf of His Majesty's Government that these special clauses were put in with the approval of the Government and he was sorry they could not now omit them.

*LORD KINNAIRD said he would not press the matter. It was to have been moved by someone last night, but apparently it was not done. There was, therefore, nothing to do now but to let it drop.

Then (Standing Order No. XXXIX, having been suspended); Bill read 3^a, with the Amendments, and passed, and returned to the Commons.

NOTICE OF ACCIDENTS BILL.

Read 3^a (according to order).

EARL BEAUCHAMP said that he had two Amendments to move. They were not Amendments of substance. The first was to make the definition quite clear in order that the Bill might apply to various places which it was held might possibly not be included if this Amendment was not carried. It came in after the words "factory or workshop," and the idea was to include these words which were similar to the other words

which had also appeared in other legislation of similar character.

Amendment moved—

"In page 3, line 29, after the word 'workshop' to insert the words 'including any place which for the purpose of the provisions of the Factory and Workshop Act, 1901, with respect to accident, is a factory or workshop, or is included in the word 'factory' or 'workshop,' or is part of a factory or workshop.'"—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

EARL BEAUCHAMP said that the other Amendment which he had to move was rendered necessary because the Bill had been upon the table of their Lordships' House since February or March. A great deal of time had elapsed since then, and it was possible the Secretary of State would not wish every provision of the Bill to come into operation at once. The object of the Amendment was to enable the postponement of certain portions of the Bill if, in the opinion of the Secretary of State, such postponements might seem advisable.

Amendment moved—

"In page 4, line 9, after the word 'seven' to insert the words 'but the Secretary of State may appoint a later date not being later than the first day of January, one thousand nine hundred and eight, for any special provision of the Act to come into operation, and if a later date is so appointed, that special provision shall not come into operation until that later date.'"—(*Earl Beauchamp.*)

On Question, Amendment agreed to.

Bill passed, and returned to the Commons.

EDUCATION (PROVISION OF MEALS) BILL.

Order of the day for the Second Reading read.

THE EARL OF CREWE: I have to apologise for not having been able to bring in this Bill last night. At the time that it ought to have come on I was engaged upon business which, as events have turned out, might as well have been left alone. I will endeavour to be as brief as possible in introducing this Bill, although the matter is one of considerable importance, and one which it would not be respectful to introduce to your

Lordships' House without a few preliminary observations. This question of the feeding of school children, and of whether legislation should be brought to bear upon it, and if so, what legislation, is one which has been before the country for some considerable time, and it is one of those questions about which people have been apt to say that something ought to be done, without having any very clear idea of what particular action should be taken. The matter has been reported upon by a number of different Committees and Commissions. In 1903 the Royal Commission on Physical Training in Scotland drew attention to this question of feeding school children, but did not recommend that the rates should be employed for the purpose. Then that well known Inter-Departmental Committee on Physical Deterioration which sat in 1904 made suggestions which, speaking generally, are very much on the lines of this present Bill. Then there was another Inter-Departmental Committee in 1905, on Medical Inspection and Feeding, which also dealt with the matter, but its terms of reference did not allow it to argue the question as to whether rate aid should be applied or not. Then in the spring of the present year (1906) a Select Committee of the House of Commons sat on the whole question. They went exhaustively into the matter; they examined twenty-eight skilled witnesses, including experienced officials, members of the late Government, school teachers, and a great number of people who, in one way or another, were distinguished experts on this question; and it is upon their recommendations that this Bill is based, which I will ask your Lordships to read a second time.

It is important to remember and, in view of some of the provisions, extremely important to remember, that this Bill is purely permissive in character. It contains no compulsion of any kind, and I hope that fact may reconcile your Lordships to such provisions as you may consider to be of a novel character. Of course the question is mainly and largely urban. It is in the great cities that the question is most urgent; but still there is some demand for such provision in the rural districts, and I think it is a fact that the association of county councils expressed themselves favourably disposed towards

the adoption of some measure of this kind within their areas.

The Bill proposes to create a system of what we may call school restaurants, and, as your Lordships, I daresay, know, even at present there is a very great amount of feeding of poor school children by voluntary agencies. I confess that until I had looked into this matter I had no conception to what an extent this was done. In London there are 299 schools, according to the last Report, in which, in the course of one winter, 30,000 children were fed. At one time, in the course of the winter, 80,000 meals a week were given in this way. Then last year in West Ham about 750,000 of such meals were given; in Birmingham 600,000; in Bradford, Liverpool, Salford, and Hull about 200,000 each, and also, in some smaller places, such as Reading, Gloucester, and Wednesbury, a very considerable number of meals were provided. That means a vast amount of voluntary, most excellent, but still unregulated work, and it is also, of course, important to remember that in no case, in those voluntary arrangements, is any of the cost recovered from the parents. It is proposed by the first clause of the Bill that the local education authority may take steps for providing meals for children by associating themselves with such committees as have carried on the work heretofore, called School Canteen Committees, and they—

“May aid that committee by furnishing such land, buildings, furniture and apparatus, and such officers and servants as may be necessary for the organisation, preparation, and service of such meals.”

That services, and the apparatus, buildings, and so on, it is proposed should be paid for out of the rates. The second clause deals with the question of payment, and I think there will be a general disposition to agree that where payments can be recovered from parents who are able to pay, it is desirable that that should be done, in order to maintain the sense of parental responsibility; and it is proposed, therefore, to take power to recover both payments provided by voluntary subscription, and also payments made out of the rates, which appears to us to be a very distinct advantage. And it certainly does seem from experience in some cases that there are a very large number of parents who were quite willing to pay a fee if called upon to do

so. In the cripple schools in London a good deal of feeding of this kind is done, for obvious reasons. The poor little cripple children cannot go home to their meals, and in the schools in London a great number of meals are provided in this way. Last year there were 167,000 such dinners given in London for Defective Children Schools. The parents paid of the cost nearly £1,400, and the Dinner Fund was only drawn on for £179. That is very satisfactory evidence of the willingness of the parents to pay, because none of that money, as a matter of fact, could have been recovered by legal process.

When you come to Clause 3 you approach rather more debateable ground. In Clause 3 the rates are called in. It is there provided that under certain circumstances a local authority may spend out of the rates such sum as may meet the cost of provision of food. That is a very carefully guarded clause. The object of the Bill is that the rates should in no way supplant the voluntary subscriptions, but that they should supplement them if it can be shewn that voluntary subscriptions have entirely broken down, and the local authority may apply to the Board of Education for leave to make this provision out of the rates. The Board of course, would inquire into all the circumstances, but in no case may the amount reach more than a rate of a halfpenny, and absolute necessity must be proved, and also that no other funds are available. Of course, while a halfpenny rate is allowed, it would very often mean that only a very small fraction of a farthing would be required, because, as your Lordships know, in London, the halfpenny rate produces a very large amount, and what it is contemplated might happen under this Bill is that after allowing for all the voluntary agencies, there might be a deficit of £4,000 or £5,000, which would be a fraction of a farthing on the rate of London, which the Board of Education might sanction the payment of out of the rates.

Now it is argued, of course, that it is very dangerous bringing in the rates at all, because the moment you do so, the voluntary subscriptions will cease altogether. That may be so, and, if so, it is of course an extremely regrettable circumstance. But it is not

quite easy to see why a combination of voluntary effort and rate aid should not be possible. It is done to some extent, as I daresay some of your Lordships know, in other countries, and it seems to me that if people could only be brought to see that the rates may exercise a very valuable function in just supplying what is short in voluntary benevolence, a valuable service would be done, because I daresay it has often occurred to many of us that at no distant date something of the kind may be necessary in regard to some of our great hospitals. Everybody knows what a struggle it is for the hospital work—particularly, of course, of London—to be carried on. They are anxious, if possible, and very naturally, I think, to avoid recourse to public funds, but still it may have to be done some day, and if people can only be educated into believing that you could not have a better arrangement than for the State to find the absolutely necessary balance over and above what is provided by charity for such purposes it would be, I believe, a very valuable addition to the means by which great public objects of this sort are supported, and I think it is worth an effort to try and secure that, if possible.

I might remind your Lordships that the Bill which is now no more, the Education Bill, contained a clause (Clause 24) which was received with unanimous applause by your Lordships—namely, a clause which authorised the education authority to assist—I forget the precise word, but certainly the word “assist” was there—to assist voluntary associations providing meals of that kind for children. That was precisely the same principle, and it was not then hinted that, because the education authority was called in to assist, necessarily the people would cease to provide for children in that way. The object of this clause is that where a number of meals are given they shall only be given in case of real need.

I come to only one other point which is of some importance, and which I daresay may find favour with noble Lords on the Opposition side of the House. It is stated that if you are going to give free meals to anybody you ought to give them, not through the Education Department but through the Poor Law guardians. But that would not be at all easy to administer. There are a great many more Poor Law areas than

education areas, and these areas are by no means coterminous. A child may often be living in one Poor Law area and attending a school situated in another. This is not a Local Government Board measure at all, but an Education Bill. The contention is that the provision of these meals is not a question of dealing with pauperism, but an incident or episode in the education of the children. These canteens are intended to be a part of the school. They are not intended to be workhouse kitchens; they are intended to be a part of the school; and we believe that a great deal of good may be done in them, not merely by feeding children who are starving, but by feeding the children who are stupidly fed at home in the manner which, as some of your Lordships, I daresay, know, obtains to an extraordinary extent among many of the poor. It is not at all an uncommon thing in these schools to find children who simply will not eat the kind of meal—porridge, for instance—given to them there. Unless they are given pickles, or something of that kind, of a high flavour, they refuse to look at any food at all. Therefore we hope that these school kitchens may have a distinctly educative influence. As regards this question of the board of guardians, I may remind your Lordships that in the spring of 1905 a Resolution was moved in the House of Commons empowering local education authorities to ensure the feeding of children, and, where possible, to recover the cost. Then a very highly respected Member of the House, Sir George Bartley, moved an Amendment to the effect that the Poor Law guardians and not the local education authority should provide the food. He, however, was defeated by 100 to sixty-four, although I believe, as a matter of fact, the Government of that day supported him in the minority. That, I think, shows that there was a very strong feeling, even in the House which represented the views of noble Lords opposite, in favour of this particular provision, and I am very much afraid that if any attempt is made to substitute the Board of Guardians for the Board of Education in this matter it will be fatal to the Bill, which received an astonishing amount of support in another place. I do not remember the exact figures, but I know the minorities, though tolerably active

in the discussion in the other House, were exceedingly small, ranging I believe from about fifty downwards.

***LORD BALFOUR OF BURLEIGH**: It was at three o'clock in the morning.

***THE EARL OF CREWE**: But the majorities were considerable although the House was sitting at a late hour; and, had there been substantial opposition, hon. Members, even at three o'clock in the morning, would have opposed the Bill. If there are any other points to be raised we could deal with them in Committee. I hope noble Lords will not object to the Committee stage being taken to-morrow, notwithstanding the late period at which, unfortunately, the Bill has been introduced.

***LORD BALFOUR OF BURLEIGH**: To-day, not to-morrow.

***THE EARL OF CREWE**: Yes, it is very much to-day, I am afraid. I hope that noble Lords will hand in any Amendments they may have to-night, or to-morrow morning, in order that they may be in the possession of noble Lords when the Committee stage is reached. I have some reason to hope that at any rate, if it be found necessary to move Amendments, they may be of a simple character, involving straight, plain issues—not so much verbal Amendments, but Amendments embodying the desire of some noble Lords to express objections on points of principle; and, as I have said, I hope we may be able to take the Committee stage to-morrow.

Moved, "That the Bill be now read 2^a."—(*The Earl of Crewe*.)

EARL CAWDOR: No one, I think, will be disposed to enter to-night into any discussion with respect to this measure, but I venture to suggest that your Lordships have some ground for complaint that a measure of this importance should only receive a Second Reading at one o'clock in the morning two days before the close of an autumn session. I do not think it a reasonable course to adopt in regard to a Bill of any kind; certainly not in regard to a Bill of this sort. It is not like the concluding stage of a Bill, brought in to

The Earl of Crewe.

wind up the session, but a new Bill, taken at the very last moment, when discussion is practically impossible. I therefore enter a protest against action of this kind. The noble Lord in charge of the Bill suggests that all our Amendments should be made of a simple nature. I have never heard such a suggestion made before.

***THE EARL OF CREWE**: I made no such suggestion. I merely expressed the hope that Amendments might deal with simple issues. Of course, if noble Lords desire to make elaborate Amendments they may do so.

EARL CAWDOR: The noble Earl suggested that Amendments should be of a particular kind.

***THE EARL OF CREWE**: I made no such suggestion at all.

EARL CAWDOR: You suggested that Amendments might be of a very simple nature.

***THE EARL OF CREWE**: I suggested it, owing to the nature of the case, and I did not wish, in the least, to interfere with the discretion of noble Lords. I might mention an instance. I know Lord Balfour is about to move an Amendment excluding Scotland from the operation of the Bill. He might do that very simply. Some other noble Lord might leave out Clause 3. But from the nature of the case it seemed to me that Amendments might be of a simple character, and not of the kind we had in the case of the Merchant Shipping Bill.

EARL CAWDOR: I accept what the noble Lord says, but I do venture to suggest that at this hour, at all events, we cannot enter into a debate on the Second Reading. I do not think it possible to do it. The only reasonable course to pursue under, what I venture to think, is an inconvenient arrangement for discussing an important Bill, is that, while of course we shall not debate it at this time of night, we should not suffer from that fact. I shall raise no objection to Second Reading to-night, on the distinct understanding that noble Lords will be entitled to discuss the Bill fully in Committee this afternoon.

LORD AVEBURY: I join in the protest of the noble Lord (Earl Cawdor). This Bill is certainly one of great importance—of much greater importance than anyone who listened to my noble friend opposite (the Earl of Crewe) would have imagined, and it will have, certainly, very far-reaching consequences. I trust that if we do agree to the Second Reading being taken to-night we shall not only have the opportunity of making any remarks we wish to make when we go into Committee to-morrow, but that if we propose any Amendments we shall not be told that we are precluded from doing so, because we have agreed to the principle of the Bill. I hope that may be generally understood.

*LORD BALFOUR OF BURLEIGH: I say exactly the same as has been said by my noble friends Lord Cawdor and Lord Avebury. I admit that the circumstances are exceptional, and if they had not been exceptional I should certainly have raised the question by moving to postpone the Bill for a month. This question is far too important to be hurried through like this. As your Lordships will have seen, I have an Amendment standing on the Paper to leave out Clause 7, and to insert a clause providing that the Bill shall not apply to Scotland. I shall not enter to-night into the case for my Amendment, but will only say that it is in my opinion a very strong one. In conclusion I have only to say that I hope the next stage of the Bill will be taken at a more reasonable time.

*THE EARL OF CREWE: I am in an absolutely penitent frame of mind, and can assure the House that I entirely accept the stripes laid upon my back by the three noble Lords who have spoken. Of course, I am not responsible for the time at which the Bill came up from the other House, and I have already endeavoured to explain that it was really owing to accident that I was not able to take it last evening. Had I been able to do so it would at any rate have given a little more time for its consideration. I frankly admit, however, that your Lordships have reason to complain that in these last few days of the session a measure of this considerable importance should be put down for Second Reading. Of course, I entirely fall in with the course suggested by the noble Earl—

which indeed I had intended myself to suggest—that we should not proceed with the debate to-night, but that noble Lords opposite should have an opportunity, when we go into Committee to-morrow, of saying whatever they wish upon the Bill. As a matter of fact, there is not a great amount of business before the House to-morrow, so that I hope due time may be devoted to the discussion of the Bill.

On Question, Motion agreed to. Bill read 2^a accordingly, and committed to a Committee of the Whole House to-morrow.

EXPIRING LAWS CONTINUANCE BILL.

House in Committee according to order.

Clauses 1 and 2 agreed, to.

Schedule:—

THE EARL OF GRANARD moved to omit from the schedule the sale of Liquors on Sunday (Ireland) Act, its inclusion being rendered unnecessary by a permanent Act having been passed this session.

Amendment moved—

“In the Schedule, page 3, to leave out lines 52 to 54.”—(*The Earl of Granard.*)

On Question, Amendment agreed to.

Schedule, as amended, agreed to.

Standing Committee negatived. Then (Standing Order No. XXXIX, having been suspended), Amendment reported; Bill read 3^a, with the Amendment, and passed, and returned to the Commons.

NATIONAL GALLERIES OF SCOTLAND BILL.

Order of the day for the Second Reading read.

LORD HAMILTON OF DALZELL: My Lords, this Bill seeks to give effect, as far as possible, to the recommendation of the Committee of 1903 which, under the chairmanship of Mr. Akers-Douglas, inquired into the whole question of the Board of Manufactures in Scotland. The objects of the Bill are these, put as shortly as possible to your Lordships.

The first is to appoint a new Board to take the place of the Board of Manufactures. The Board of Manufactures, I may point out to your Lordships, is a very ancient institution in Scotland, and dates from a few years after the Union. Its duties, when it was first started, were to foster the woollen and hemp industries in Scotland, and for that purpose it was given the administration of a sum of £2,000 a year, which became payable to Scotland under the Treaty of Union, and it was part of the consideration for the imposition of certain taxes in Scotland. To these duties the care of the Fisheries was subsequently added, and for the first 100 years of the Board's existence it looked after those matters. Towards the beginning of the nineteenth century it began to look after Science, and subsequently Art, and during the latter half of the nineteenth century its duties were confined to those subjects. That is the explanation of how a body with the name of the Board of Manufactures comes to look after Art in Scotland. The next proposal is to substitute a new Board consisting of seven members for the old Board of twenty-one members, as it is considered that seven is a more workable number than twenty-one. It is right that I should mention, on this matter, that Mr. Akers-Douglas' Committee's recommendation has been slightly departed from here. The Committee recommended that the number should be fifteen, and that they should be appointed in a somewhat different manner from that proposed in the Bill. But after lengthy consideration it has been held that it is better, as I say, to make the number seven, and to leave the appointment in the hands of the Secretary for Scotland, whose judgment is only fettered in the matter in one respect, and that is, that three of the members of the Board must also be members of some elected body in Scotland. This is an Amendment which was recently added in another place without a division, and, I believe, unanimously. The second of the objects of the Bill is to hand over the buildings at present in charge of the Board of Manufactures to the Commissioners of Works, thus relieving the income of the Board from the charges of the upkeep of those buildings. The third object of the Bill is to make the sum of £2,000 a year, which is payable under the Treaty of Union, a

Lord Hamilton.

charge on the Consolidated Fund; and the fourth object is to give increased accommodation to the Royal Society, the National Collection of Pictures, the Royal Scottish Academy, and the School of Art. If your Lordships wished, I could describe how those matters are to be effected, but I think perhaps it will be simpler, at this late hour, if I simply move that the Bill be read a second time.

Moved, "That the Bill be now read 2^a."
—(*Lord Hamilton of Dalzell.*)

On Question, agreed to.

LORD HAMILTON OF DALZELL: It might perhaps relieve the pressure of business at a subsequent date, as there seems no objection to this Bill, if I were to ask permission to take it through all its stages to-night.

*LORD BALFOUR OF BURLEIGH: I think it is quite sufficient to take the Second Reading to-night. I do not anticipate any Amendments to the Bill, but I personally have only been able to read it since I came to the House this evening. I do not think there is any serious question likely to arise, but I should like to ask whether the appointment should be made by the Secretary for Scotland or by recommendation to the Crown. It is not necessary to answer the question now, but it would, I think, be better to put the Bill down for Committee to-morrow, and then, if necessary, it can be taken through the other stages.

*THE EARL OF CREWE: My noble friend Lord Hamilton will certainly fall in with that suggestion.

Bill committed to a Committee of the Whole House to-morrow.

EDUCATION (ENGLAND AND WALES) BILL.

Report from the Committee of the reason to be offered to the Commons for the Lords insisting on their Amendments; read, and agreed to; and a message sent to the Commons to return the Bill with the reason.

House adjourned at a quarter past
One o'clock a.m. till a quarter
past Four o'clock p.m.

HOUSE OF COMMONS.

Wednesday, 19th December, 1906.

The House met at a quarter before Three of the Clock.

MR. SPEAKER'S INDISPOSITION.

The Clerk at the Table informed the House of the unavoidable absence of Mr. SPEAKER from this day's Sitting, owing to indisposition.

Whereupon Mr. EMMOTT, the Chairman of Ways and Means, proceeded to the Table, and, after Prayers, took the Chair as Deputy-Speaker, pursuant to the Standing Order.

PRIVATE BILL BUSINESS.

Edinburgh Suburban Electric Tramways Order Confirmation Bill. Lords' Amendments considered, and agreed to.

Ardrossan, Saltcoats, and District Tramways Order Confirmation Bill [Lords]; Dunbartonshire Tramways Order Confirmation Bill [Lords]; Dunfermline and District Tramways Order Confirmation Bill [Lords]. Read the third time, and passed, without Amendment.

PETITIONS.

PARLIAMENTARY ELECTIONS
(SECOND BALLOT).

Petition from Govan, for legislation; to lie upon the Table.

SALE OF INTOXICATING LIQUORS ON
SUNDAY BILL.

Petition from Shifnal, in favour; to lie upon the Table.

RETURNS, REPORTS, ETC.

REMUNERATION OF THE CONSULTING
ENGINEERS TO CROWN
COLONIES AND PROTECTORATES.

Address for "Return showing, in regard to the Remuneration received by

the Consulting Engineers to the Crown Colonies and Protectorates for their services in connection with the construction of railways which have been undertaken upon their recommendation, (1) what has been the amount of their Remuneration from this source during the last ten years; (2) how it is assessed; and (3) from what fund or funds it has been paid."—(*Mr. Walker.*)

UNEMPLOYED WORKMEN ACT, 1905.

Return ordered, "as to the proceedings of Distress Committees under The Unemployed Workmen Act, 1905, in England and Wales, up to the 31st day of March, 1906."—(*Mr. John Burns.*)

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Fair Rent Decision—Cost of Copies of Orders.

Mr. VINCENT KENNEDY (Cavan, W.): To ask Mr. Attorney-General for Ireland whether he is aware that agreements fixing a fair rent in the County Courts in Ireland twenty years ago are sent to the Public Record Office, Four Courts, Dublin, and that to procure a copy of same costs 3s. 6d., whilst in the ordinary way copies of these documents are supplied for 1s.; does the same charge apply in the case of County Court fair-rent orders; and, in view of the fact that this charge often presses hardly on poor tenants, will he secure that in future a uniform charge of 1s. be made for copies of orders or agreements, no matter when filed.

(*Answered by Mr. Cherry.*) I am informed by the Land Commission that they understand that records of the Clerks of the Crown and Peace for each county, when more than twenty years old, are sent to the Public Records Office of Ireland year by year under the warrant of the Master of the Rolls, and that the fees for certified copies of such documents have been fixed, pursuant to statute, at 6d. per folio of seventy-two words. These fees could only be altered by the Master of the Rolls with Treasury sanction. Copies of agreements fixing fair rents filed in the County Courts are not very numerous. As a rule they contain four

folios, in which case the charge would be 2s. each. When such fair-rent agreements are filed in the Land Commission, copies under the seal of the Commission can be obtained for 1s. each. Similarly, while the original agreements remain with the Clerks of the Crown and Peace, they are bound by the rules of the Land Commission to furnish copies at 1s. each, and it is their duty to send copies for recording by the Land Commission. The hon. Member does not indicate for what purpose it is necessary that tenants requiring fair-rent agreements which are more than twenty years old should go to the Public Records Office. If this were explained the Land Commissioners would be placed in a better position to report on the question raised.

Salaries of English and Irish Prison Officials.

MR. MURPHY (Kerry, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can state what salaries do warders, matrons (assistant), and clerks in the English prison service receive; what salaries do warders, assistant matrons, and clerks in the Irish prison service receive; is it the intention of the Government to increase the salaries of warders and assistant matrons in the Irish prison service, whose duties are as arduous as those of officers in the English service, on the same lines as is about to take effect in April next in England; and, as clerks in the Irish prison service, whose duties are as difficult as in England, have to serve seventeen and a half years to get an increment of £35, an equal amount being given in increments in England in seven years, will the Government consider the advisability of giving clerks in the Irish service their total increments in seven years and placing them on the same footing as to salary as in England.

(*Answered by Mr. Bryce.*) The present rates of pay of the officers mentioned in both the English and the Irish prison services will be found in the Estimates for the current year. The Irish Government have no knowledge of any intention to increase the salaries of English prison officers, and if the hon. Member desires information on the subject he should address my right hon. friend the Home

Secretary. The question of increasing the pay of Irish prison officers has not recently been under consideration.

Married Women's Property—Liability of Wife with Separate Estate.

MR. MACLEAN (Bath): To ask the Attorney-General whether, in view of the advantages conferred upon married women in respect of debts incurred by them for necessities, as recently shown in the case of "*Paquin v. Beaucherk*," he will take an early opportunity of introducing legislation for the purpose of rendering the separate estate of the wife liable where the husband cannot be compelled to pay.

(*Answered by Sir John Walton.*) This subject is being seriously considered. I cannot at present express any opinion upon it.

Removal of Bag Room at Glasgow Post Office.

MR. BARNES (Glasgow, Blackfriars): To ask the Postmaster-General if he is aware of the intention of the postmaster of Glasgow to have the bag room at Glasgow removed to the basement of the building; and if the opinion of the district medical officer has been obtained as to the advisability of such a change; and, if so, with what result.

(*Answered by Mr. Sydney Buxton.*) One of the two bag rooms at Glasgow is at present on the ground floor and the other in the basement. As part of a scheme of much needed improvements in the accommodation, including better cloak rooms and retiring rooms for part of the staff, it is proposed to give more space for the bag rooms and to put both in the basement. I understand that the medical officer has, in conversation, expressed doubts about the advisability of this arrangement, but I have not received any Report from him. I have directed that he should be consulted further before the alterations are carried out.

Reduction of Shrewsbury Telegraph Staff.

MR. HENRY (Shropshire, Wellington): To ask the Postmaster-General whether he will take into consideration, should further reduction be necessary in the

telegraph force at Shrewsbury, that this may be made from the female staff rather than that the married men should be compelled to leave Shrewsbury and go to other towns and, when vacancies occur which have to be filled up, that the appointment should be made, if possible, of men in preference to women.

(Answered by Mr. Sydney Buxton.)

Until the time comes for reducing the staff at Shrewsbury it is impossible for me to say how the reduction should be effected, but the hon. Member may be assured that all the circumstances to which he refers will be fully considered and the reduction made with the least possible hardship to any section of the staff.

Promotion of Assistant Surveyors of the Civil Staff for Engineer Services.

MR. RIDSDALE (Brighton): To ask the Secretary of State for War whether he is aware of the serious block in the promotion of the assistant surveyors of the civil staff for engineer services; whether the amelioration of the alleged grievances of this body have been now under consideration for some nine years; and what early steps, if any, he proposes to take to remedy this matter.

(Answered by Mr. Secretary Haldane.)

I can assure my hon. friend that no time has been lost since the present Government came into office in the consideration of this question. A deputation of the officials concerned has been received at the War Office, and the Army Council hope that they will be in a position to give a decision upon the matter early next session.

Gun Licence for Michael Cronin of Listowel.

MR. FLAVIN (Kerry, N.): To ask the Chief Secretary to the Lord Lieutenant of Ireland, whether he is aware that Michael Cronin, of Finuge, Listowel, has applied for and was refused a gun licence; and, seeing that Michael Cronin is a man of high character and respectability, whether he will state on what grounds or for what reason his application was refused.

(Answered by Mr. Bryce.) The discretion of issuing arms licences is vested in the resident magistrate of the district,

and it would be quite contrary to practice to state the grounds which influence a resident magistrate in the exercise of that discretion.

Bonuses Paid Under the Land Act.

MR. GINNELL (Westmeath, N.): To ask the Chief Secretary to the Lord Lieutenant of Ireland, if he will have prepared a Return, made up to date, of all persons to whom bonus has been paid under the Land Act of 1903, showing in respect of each the county in which the land sold is situate, the amount of bonus paid in respect of tenanted and untenanted land respectively, the number of years purchase of rent paid for the former; and will he have this information given periodically in future.

(Answered by Mr. Bryce.) I beg to refer the hon. Member to my Answer to his Question of 13th instant,† when he asked for a somewhat similar Return. For the reasons then fully stated, the Land Commission do not think it desirable to give the Return now asked for. Full particulars of the number of years purchase given for tenanted land, and of the prices paid for untenanted land, appear in the Annual Reports of the Land Commission.

Irish Local Taxations Accounts.

MR. COGAN (Wicklow, E.): To ask the Chief Secretary to the Lord Lieutenant of Ireland, whether he will take steps immediately to have the annual statement of receipts and expenditure of the Irish Local Taxation Account for each year since the passing of The Local Government (Ireland) Act, 1898, laid before Parliament with the least possible delay.

(Answered by Mr. Bryce.) The Answer is in the affirmative.

Delay in Erection of Fishery Harbour at Long Hole, Bangor, County Down.

MR. MACVEAGH (Down, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state if the Department of Agriculture offered to contribute towards the cost of erecting a fishery harbour at Long Hole, Bangor,

county Down; whether the County Down County Council caused plans to be prepared; whether he can state the cause of the delay in proceeding with the work; and whether his attention has been called to the fact that under present arrangements the boats can only enter or leave this harbour for about two hours before and after high water, thus curtailing the time for fishing to about three hours in the day.

(*Answered by Mr. Bryce.*) The Department of Agriculture offered to contribute one-fourth of the cost of the improvements at this harbour which were planned by the county surveyor and were estimated to cost £10,000. The county council, however, have no legal power to expend their funds on the harbour, which, being private property, is not vested in them. Access to the harbour by fishing boats is not possible before half tide.

Irish National School Teachers Examinations.

MR. MACVEAGH: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether as national teachers under the old system obtained first of first class only after scoring an exceptionally high percentage on a difficult set of papers, embracing a wide range of subjects, and were only permitted to sit for examination after both head and district inspectors had certified that their schools had been conducted in a highly efficient manner for the three years preceding, he will, as a reward of scholarship and successful school keeping, direct the Commissioners of National Education to give special consideration to the case of any of these, with the requisite average attendance, who may yet be placed, under the new order of things, lower than first of first grade, in the event of any rearrangement of the salaries of Irish national teachers.

(*Answered by Mr. Bryce.*) The Commissioners of National Education inform me that the facts are substantially as stated in the earlier part of the Question. The Commissioners have submitted proposals on the subject in connection with next year's Estimates, and these are now under consideration.

Sale of Colonel Malone's Estate.

MR. GINNELL: To ask the Chief Secretary to the Lord Lieutenant of Ireland, having regard to the fact that on taking office he cancelled and superseded certain regulations and instructions affecting the sale of land, because they conflicted with the law and with the intentions of Parliament, whether he will take steps to prevent the sale of Colonel Malone's estate being carried out, for the benefit of two graziers and to the permanent detriment of sixty necessitous families, under the old instructions and in a way which the Estates Commissioners would not permit under the regulations and instructions now in force.

(*Answered by Mr. Bryce.*) I am afraid that I cannot with advantage add any thing to the very full replies which I gave to the hon. Member's Questions on this subject on 17th instant.† The power of making advances for land purchase is vested by law in the Estates Commissioners. The hon. Member must understand that the construction which he places on the regulations is not admitted.

Game Reserves in East Africa.

MR. WHITBREAD (Huntingdonshire, Huntingdon): To ask the Under Secretary of State for the Colonies whether the Secretary of State has observed the estimate by Mr. F. J. Jackson, Deputy Commissioner for the East African Protectorate, given on page 344 of [Cd. 3189], that the revenue derived from game licences, Customs dues, and other expenditure by hunting parties in that Protectorate cannot be less than £20,000 annually; that, in Mr. Jackson's opinion, the only hope of keeping up this revenue lies in the establishment of an efficient game ranger's department; whether the Government are taking, or contemplate taking, steps to establish such a department on an adequate scale; whether the areas of the reserves in the East African Protectorate, the Budonga and Toro reserves in Uganda, and the Elephant Marsh reserve in British Central Africa have been reduced during the present year; if so, whether the Secretary of State has sanctioned such reductions; whether

† See Col. 990-992.

the regulations of the East Africa Game Ordinance, 1906, as to the size of ivory, have been relaxed as to ivory in transit from Uganda; whether his attention has been called to the remarks by Mr. Jackson, in paragraph 4, page 342, of the same Blue-book, on the trade in game hides from German East Africa via Mombasa; and whether the Government will take steps to check such trade.

(*Answered by Mr. Churchill.*) The Answer to the first part of the hon. Member's Question is in the affirmative. With regard to the second part of his Question I would refer him to Lord Elgin's despatch at page 386 of Cd. 3189, in which his Lordship instructed the Commissioner of the East Africa Protectorate to bring forward the question of establishing a Game Ranger's Department in connection with the Estimates for 1907-8. These estimates will be received very shortly, and the matter will then be carefully considered. With regard to the third part of the Question, the boundaries of the reserves in the East Africa Protectorate have been re-defined by the Ordinance of the 14th April, a copy of which is printed at pages 356-365 of Cd. 3189; but, so far as I can see, no important reductions have been made. The Budonga and Toro reserves in Uganda have been reduced during the present year, but, as the hon. Member will see on reference to page 354 of Cd. 3189, the former reserve is still approximately 560 square miles in extent and too large and difficult to be systematically controlled without a special staff, while the area of the latter is now about 970 square miles, the original boundaries having extended beyond all practical requirements. The area of the elephant marsh reserved in British Central Africa has been reduced since its establishment in 1897, but, so far as I am aware, no reduction has been made during the present year. The reductions referred to above have been sanctioned by the Secretary of State. With regard to the fourth part of the Question, Section 7 of the Game Ordinance of the East Africa Protectorate, No. 9 of 1906, empowers the Commissioner to make rules legalising the export in transit through the Protectorate of any ivory lawfully acquired

in Uganda, even though of less weight than the minimum allowed by the Ordinance. The reasons for this exception are given at page 354 of Cd. 3189. With regard to the fifth part of the Question, I would refer the hon. Member to Lord Elgin's despatch which is printed at page 386 of Cd. 3189, and from which he will see that the Commissioner of the East Africa Protectorate has been requested to consider whether some arrangements cannot be made for stopping the trade in question.

The State of the Congo—Interference of the Powers.

MR. T. R. BETHELL (Essex, Maldon): To ask the Secretary of State for Foreign Affairs whether any Power has shown a disposition to join with this country in bringing pressure to bear on the Government of the Congo Free State with a view to putting an end to the atrocities perpetrated in that territory.

(*Answered by Secretary Sir Edward Grey.*) I would refer the hon. Member to the Answer given to the hon. Member for Tottenham on the 14th instant,† respecting a communication from the United States Government, to which I have nothing to add.

Diseased Pigs—Compensation for Seizure.

MR. FFRENCH (Wexford, S.): To ask the President of the Local Government Board whether he is aware that a number of pigs which passed the Government veterinary inspectors at the port of embarkation were seized and destroyed in Birmingham in the interest of the public; and whether, as the owners have complied with every requirement of the law, he will insert a clause in his Bill now before the House which will provide compensation for all such losses in future.

(*Answered by Mr. John Burns.*) I am aware that pigs coming from Ireland are examined by Government veterinary inspectors at the port of embarkation, and I presume that it is to this inspection that the hon. Member refers. I am not able to state the exact proportion of Irish pigs sent to Birmingham, but I

† See Col. 664.

understand that, whilst the number of them is much larger than that of English pigs, the percentage condemned for tuberculosis is much smaller. The Bill mentioned in the last part of the Question has now been withdrawn.

Vagrancy—Suggested Legislation.

MR. CAVE (Surrey, Kingston): To ask the President of the Local Government Board whether the Government contemplate bringing in a Bill next session for the purpose of giving effect to the recommendations of the Royal Commission on Vagrancy, or any of them.

(Answered by Mr. John Burns.) As I stated recently in reply to my right hon. friend the Member for the Ilkeston Division, I am in communication with the Home Secretary on the subject, but I am not in a position to give any intimation as to legislation next session with regard to it.

Postal Service at Ballydoo, County Down.

MR. MACVEAGH: To ask the Postmaster General whether he will arrange to have a letter box erected at Ballydoo, Mayobridge, county Down, and to have it cleared once a day by the present postman; whether he is aware that nine Belfast linen houses have agencies in the district employing about 600 women and girls, and that inconvenience is caused by the defective service; and whether, as the extra cost could not exceed 5s. a week, he will take steps to have the required accommodation provided at once.

(Answered by Mr. Sydney Buxton.) I have called for a Report on this subject, and will inform the hon. Member of the result in due course.

Building of New Post Office at Newcastle, County Down.

MR. MACVEAGH: To ask the Postmaster-General whether he can say when the building of the new post office at Newcastle, county Down, will be begun.

(Answered by Mr. Sydney Buxton.) It is hoped that the building will be begun early next year.

Postal Facilities at Staffordstown, County Antrim.

MR. CHARLES CRAIG (Antrim, S.): To ask the Postmaster-General whether his attention has been called to a memorial signed by the residents of the Staffordstown postal district, near Randalstown, county Antrim, and forwarded by them to the secretary of the General Post Office, Dublin, asking for a change in the mode of delivering the letters by which a saving of several hours would be effected and an opportunity given for replying to letters on the same day as that on which they were received; and what steps he is prepared to take in the matter.

(Answered by Mr. Sydney Buxton.) I have not yet seen the memorial referred to, but I can assure the hon. Member that it shall receive careful consideration.

Working of Fatal Accidents and Sudden Deaths Inquiry Act, 1906.

MR. MORTON (Sutherland): To ask the Lord Advocate whether the Fatal Accidents and Sudden Deaths Inquiry Act, 1906, is now in operation; and, if so, whether he has any official Reports showing that it is rendering the Act of 1895 effective and useful.

(Answered by Mr. Thomas Shaw.) The Act came into operation on the 4th of August last. During the four months up to 3rd December, 155 inquiries were held, and in twenty-four of these the verdicts of the juries contained recommendations or expressions of opinion of a special nature. In every case where a jury made a recommendation with the view of suggesting means for preventing or lessening the risk of the recurrence of such accidents the recommendation has been brought under the notice of the deceased's employers. In some cases special notice has been taken by the Government inspectors, and, it is understood, communicated by them to their departments. In many cases the special verdicts appear to have been of much value in pointing out defects in machinery and in methods of working, and there seems little reason to doubt that the Act is tending strongly towards the avoidance of risk of injurious or fatal accidents to employees. There have been four inquiries under Section 3 of the new Act. It is reported to me by

the Crown Office that the recent statute appears to have made an effective and useful amendment of the previous Act of 1895. I may add that I am in communication with my right hon. friend the Home Secretary on the subject of issuing such instructions as will secure that in the administration of the statute due advantage shall be taken of the services of the skilled inspectors, while on the other hand preserving the independent position which these gentlemen ought in my opinion to occupy. The working of the Act is being made the subject of careful observation in my own and other public departments.

Purchase by the Indian Government of Property at Simla.

SIR JOHN KENNAWAY (Devonshire, Honiton): To ask the Secretary of State for India whether the Government of India have given notice of purchasing, under the Lands Acquisition Act, the property called "Constantia" at Simla, which has been acquired with great difficulty and expense to provide much needed holiday homes for working women and girls at Simla, and for entry on which on 31st December every arrangement had been made; and whether other sites could be found available for Government purposes the taking of which would not be attended with inconvenience to a charitable institution conferring great public benefit.

(Answered by Mr. Secretary Morley.) The Government of India have notified their intention of purchasing this property for a public purpose. The area of Simla is so limited that Government must have the first claim upon sites. But though they may find it necessary to insist on purchasing "Constantia," I have reason to hope that they may be able to arrive at a friendly settlement with its owners by the provision of a suitable site elsewhere.

Publication of Army Pay Warrants.

SIR CHARLES DILKE (Gloucestershire, Forest of Dean): To ask the Secretary of State for War whether recent Army Orders and Warrants affecting soldiers' pay have been laid before Parliament; and, if not, whether it would be possible to circulate to Members any

such Warrants as have been issued since the commencement of July last, including the instructions affecting service pay after 30th September, as well as proficiency pay;

(Answered by Mr. Secretary Haldane.) The Royal Warrants affecting soldiers' pay, which have been issued since the commencement of July last, are: (a) That dealing with the additional pay of warrant officers, non-commissioned officers, and men (Army Order 153, July); and (b) That dealing with soldiers' emoluments (Army Order 231, October). I may point out that Army Orders are on sale monthly at a cost of 3d., and thus accessible to all interested in Army matters. A copy of the Monthly Army Orders is also placed in the Library of the House for the convenience of members. I will, of course, lay those referred to above upon the Table of the House if there is a general desire for them.

Army Discharges—Home and Overseas Stations.

SIR CHARLES DILKE: To ask the Secretary of State for War whether Mediterranean stations which count for linking purposes as Home stations under the Short Tour system are being counted as stations beyond the seas for the purpose of keeping time-expired men for an additional twelve months under Section 87 of the Army Act; whether he has any official reports showing that men who extended service to complete eight years with the colours, and obtain Service Pay, were given to understand that by such extension they did not become liable to serve for another year if abroad on the expiration of the eight years; and whether he is able to make any statement on the subject.

(Answered by Mr. Secretary Haldane.) In the circumstances at present existing, it has been found necessary to send out Home battalions a year or two before their linked battalion comes home. Such units being on Foreign Service, the men therein are kept for the extra year if abroad. Men who extended to obtain service pay extended to complete a fixed term, and are not, therefore, liable for the extra year in addition. They are brought home just prior to the expiration

of their extended service or with all convenient speed on its termination.

Return of Accidents to Battleships.

MR. BELLAIRS (Lynn Regis): To ask the Secretary to the Admiralty with reference to a list of seventy-six collisions and groundings of warships during 1905, given in the Return No. 319 issued on Monday, 10th December, whether the following have been omitted, and, if so, for what reason: "Vixen" and "Lee" in collision on or about 4th May, "Whiting" in collision at Wei-Hai-Wei on or about 30th June, H.M.S. "Jupiter" in collision off Dover with a Danish schooner and a brigantine on or about 27th July, and "Furious" in collision with "St. Vincent" while proceeding out of Portsmouth Harbour on or about 12th September.

(Answered by Mr. Edmund Robertson.)

It is regretted that the collision of the "Vixen" and "Lee," and of the "Jupiter," and the Danish brigantine "Caroline" were omitted from the Return in question by inadvertence. The repairs to the "Vixen" occupied three weeks, and the damage to the "Jupiter" was too slight to require special repairs. There is no record of any mishap to the "Whiting" and "Furious" on the dates named.

Sale of Chains and Cables of Obsolete War Vessels.

MR. HOOPER (Dudley): To ask the Secretary to the Admiralty, whether the cables and chains belonging to the obsolete war vessels are sold without being treated according to the Order of 1894 relating to disused Government chains.

(Answered by Mr. Edmund Robertson.)

Chain cables of His Majesty's ships are periodically examined and if found to be unserviceable are mutilated at the dockyards before being offered for sale. But if any chain cables left on board obsolete ships when sold are still fit for use, and would continue to be used if the ships were retained, this cable is not mutilated. It is usual in selling any vessel to sell with her the minimum of cable required for mooring.

Vacancies in Top Rates of Pay in His Majesty's Dockyards.

MR. E. H. LAMB (Rochester): To ask the Secretary to the Admiralty whether he is aware that there are now, and have been for years vacancies, at the top rates of pay in His Majesty's dockyards; and whether he can see his way to have such vacancies filled up without any further delay.

(Answered by Mr. Edmund Robertson.)

I am not clear to what trade or trades my hon. friend refers, but it must frequently happen that there are vacancies in some of the classified trades at or near the maximum rates which remain unfilled in consequence of the provision in the Home Dockyard Regulations that as a condition of advancement in pay there must be eligible men from among whom the selection can be made.

QUESTIONS IN THE HOUSE.

Government Contractors and Fair Wage Rates.

MR. O'GRADY (Leeds, E.): I beg to ask the Secretary to the Admiralty whether he is aware that the firm of Messrs. Beardmore and Company, Government contractors, Glasgow, do not at their Mossend works conform to the fair wages clause by paying the recognised district rate to enginemmen, cranemen, boilermen, and firemen, and also to steel smelters in their employ; that the firm have refused to consider a petition submitted by the men's society requesting recognition of their society; that men have been dismissed who, through their union, requested the observance of the district rates; and what steps he proposes to take to insure the observance by this firm of the fair wages clause.

*THE CIVIL LORD OF THE ADMIRALTY (MR. LAMBERT, Devonshire, South Molton): In answer to inquiry made by the Admiralty, this firm state that the recognised district rate of wages is paid to all their workmen, that no men have been dismissed who, through their union, requested the observance of the district rates; that, as a matter of fact, no such request has ever been made to them; and that they are always willing to recognise a workmen's society, when

such recognition is desired by a majority of the workmen employed in any branch of work.

MR. O'GRADY: My Question has special reference to the Mossend works. I quite understand the fair rate is paid at the Glasgow works.

*MR. LAMBERT: I will inquire further.

Carbons for the Navy and Coast Defence.

SIR HOWARD VINCENT (Sheffield, Central): I beg to ask the Secretary to the Admiralty if the carbons required for the searchlights of the Royal Navy and the coast defences under its charge are British made; and if the Board of Admiralty are satisfied that an ample supply will be forthcoming in the event of war.

*MR. LAMBERT: The Answer to the first part is in the affirmative. It is believed that sufficient provision is now made for the supply of carbons for searchlights, but the Admiralty are taking steps to make the position as secure as possible.

Naval Bases and Dock Accommodation for the Fleet.

MR. ARTHUR LEE (Hampshire, Fareham): I beg to ask the Secretary to the Admiralty whether, in view of the fact that the new Home Fleet is to be nominally based upon Sheerness, and that there are neither at that port nor at Chatham any docks capable of accommodating vessels of the "Dreadnought" or "Invincible" classes, and that these ports, as well as Portsmouth, are only accessible to battleships at certain states of the tide and for a limited portion of each day, he will state whether it is the intention of the Government to create an effective and always accessible naval base for the Home Fleet on the East Coast; and whether, with this object in view, the works at Rosyth will be pressed on with all possible speed.

*MR. LAMBERT: The Answer to the first part is in the affirmative. With regard to the second part, I can only repeat the Answer given on 6th December that the matter is receiving careful consideration,† and plans are being prepared for the information of the Board.

† See (4) *Debates*, clxvi., 1167.

MR. JENKINS (Chatham) asked if the Admiralty would consider the advisability of creating such accommodation at the home dockyards as was required for the modern warship.

MR. BELLAIRS (Lynn Regis): Is the hon. Gentleman aware that the Chatham basin is crowded with ships which have come in for Christmas, and it would take a week to get them out?

*MR. LAMBERT: That is a piece of information rather than a Question.

MR. BELLAIRS: Will the right hon. Gentleman take it into consideration?

*MR. LAMBERT: Yes.

CAPTAIN HERVEY (Bury St. Edmunds): I called attention to this question months ago.

MR. DEPUTY SPEAKER: Order, order.

Rosyth.

MR. ARTHUR LEE: I beg to ask the Secretary to the Admiralty whether it is estimated that the creation of an effective naval base at Rosyth would necessarily occupy a period of not less than seven years from the date of commencing active work thereon; and if he can state what arrangements are to be made in the meantime to provide an effective base for the Home Fleet in the neighbourhood of the East Coast.

*MR. LAMBERT: How long it will take to complete the formation of the naval base at Rosyth must depend on the nature of the scheme finally adopted. In the meantime, the docking facilities of the United Kingdom are sufficient for the requirements of the Home Fleet.

MR. ARTHUR LEE asked whether there were any docking facilities available for ships of the "Dreadnought" and "Invincible" class within the reach of the East Coast.

*MR. LAMBERT replied that there was docking accommodation for the "Invincible," he believed, at Chatham. But this was a technical matter, and if the hon. Gentleman wanted accurate information he would get it for him.

MR. ARTHUR LEE asked whether the hon. Gentleman was aware that the docking facilities of which he spoke were only available for about 140 days in each year.

*MR. LAMBERT: I should like notice of that.

MR. J. WARD (Stoke-on-Trent) asked whether there were any men at present engaged in connection with the development of Rosyth, and if so, whether these were in the direct employment of the Admiralty or in the employment of a contractor.

*MR. LAMBERT: At the present moment there are only preliminary surveys going on at Rosyth. There is, I believe, a contractor sinking a cylinder there. There is no other work than that going on.

MR. ARTHUR LEE: I beg to ask the Secretary to the Admiralty what progress, if any, is being made with the new naval base at Rosyth; whether the superintending engineer who has been in charge of this work from the commencement is to be shortly transferred to another post, and, if so, for what reason; and what arrangements are being made to replace him and to carry on the work.

*MR. LAMBERT: The detailed borings are approaching completion, a trial cylinder is being sunk, and the branch railway to the site is practically completed. The superintending engineer at present employed at Rosyth will be transferred to Portsmouth on the completion of these preliminary works. There will be no need to replace him until such time as it becomes necessary actually to commence an approved scheme for the naval base, for which the detailed plans have not yet been fully prepared.

MR. LEE: Are we to understand that this means that the works at Rosyth have been indefinitely postponed?

*MR. LAMBERT: The hon. Gentleman must take the reply I have given as being my reply.

MR. J. WARD asked whether there was already sufficient information from

the boring that had taken place to justify him in saying that the Admiralty had practically decided that this was an unsuitable place for a naval base.

*MR. LAMBERT: No, Sir, I do not think the hon. Gentleman must take that from my reply.

MR. E. H. LAMB (Rochester) asked the hon. Gentleman whether, if the Admiralty saw fit to continue the work at Rosyth, the House would have an opportunity of discussing the matter before it was actually put in hand.

*MR. LAMBERT: Of course, on the Naval Estimates next year.

Portsmouth Docks.

MR. ARTHUR LEE: I beg to ask the Secretary to the Admiralty whether, in view of the fact that there is at present no lock entrance to the basin and docks at Portsmouth capable of admitting vessels of the "Dreadnought" and "Invincible" classes, and that the basin and docks are therefore closed to vessels of this class for about eighteen hours out of every twenty-four, steps will be taken to commence without further delay the new lock entrance which the late and present Boards of Admiralty have stated to be an urgent necessity.

*MR. LAMBERT: The question is at present occupying the attention of the Board.

MR. E. H. LAMB: May we take it that no irrevocable step will be taken before the Naval Estimates are considered by the House?

[The Answer was inaudible.]

Training of Naval and Marine Officers.

MR. BELLAIRS: I beg to ask the Secretary to the Admiralty whether the printed Report of the lecture delivered by the Director of Naval Education on the new schemes of entering and training naval and marine officers was printed and distributed to the ships at the taxpayers' expense.

*MR. LAMBERT: The Answer is in the affirmative.

"The Truth about the Navy."

MR. BELLAIRS: I beg to ask the Secretary to the Admiralty whether he is aware that an anonymous book entitled "The Truth about the Navy," consisting largely of magazine articles extolling Admiralty policy, has been issued to His Majesty's ships; whether these books have been issued at the taxpayers' expense; and, if so, to what Vote they are charged.

*MR. LAMBERT: The pamphlet in question has been issued to ships without any official approval being given to its contents. The expense will be charged to Vote 2 which bears the cost of ships' libraries.

MR. BELLAIRS: I desire to ask the hon. Gentleman whether in his opinion this does not amount to a secret commission to journalists to induce them to defend the Admiralty?

*MR. LAMBERT: That is a matter of opinion, and my opinion is of just the same value as that of my hon. friend.

Pimlico Clothing Factory.

MR. T. F. RICHARDS (Wolverhampton, W.): I beg to ask the Secretary of State for War whether he is aware that the employees engaged at the Pimlico Clothing Factory are to lose a day's work on 24th December, and are to be stopped one day's wages for the same; whether this will apply with equal force to the officials; and why this course is to be taken for the first time in the history of the department.

THE SECRETARY OF STATE FOR WAR (Mr. HALDANE, Haddington): Pimlico is a place from which a good many unreliable rumours appear to emanate. The hon. Member has been misinformed, as it is not the intention to close the Royal Army Clothing Department on the 24th instant.

Pay of Regular Officers with the Volunteers.

SIR SAMUEL SCOTT (Marylebone, W.): I beg to ask the Secretary of State for War whether his attention has been called to an order recently issued to the effect that travelling expenses incurred by staff and other officers of the Regular

Army on full pay, including adjutants of Volunteers, when undertaking certain duties in connection with Volunteer corps, such as conducting war games, directing staff rides, and attending field days, cannot be defrayed from Army funds; and whether seeing that the expenses incurred by officers undertaking these duties will fall upon their own private purse, and will tend to discourage the officers of the Regular Army who have not private means from rendering valuable and most desirable aid in the training of Volunteers, he will consider the advisability of withdrawing this order.

MR. HALDANE: Army Order 130 of 1906 provides for the travelling expenses of Volunteer brigadiers and brigade majors, and adjutants' travelling expenses are provided for under paragraph 477 Volunteer Regulations. These provisions cover the cases of Regular or ex-Regular officers who are primarily charged with training Volunteers, and I, therefore, see no necessity for modifying the order in question.

Railway Extension in Nigeria.

MR. WEDGWOOD (Newcastle-under-Lyme): I beg to ask the Under-Secretary of State for the Colonies with reference to the railway extensions in Nigeria, whether the State, the natives, or white planters will receive the enhanced value of the land through which the railway passes; and whether he will take steps, by means of valuations or otherwise, to ensure to the taxpayers of this country this enhanced value due to the expenditure of their money.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.): The cost of the railway extension at present authorised will be met by Southern Nigeria, so that the British taxpayer will not be affected. As regards any further extension or construction in Northern Nigeria which may be authorised in future no definite statement can be made, but the matter will not be overlooked.

MR. WEDGWOOD: Will Southern Nigeria get the benefit of the increased land values also?

MR. CHURCHILL: When a railway is built through land the persons owning the land, under our present dispensation, get the advantage of its enhanced value. A great proportion of the land is owned by the State, and other portions are owned by the natives. I think a very considerable proportion of the enhanced value will be secured to the State. We will make every effort to secure as much of the land as possible which is raised in value by the railway.

MR. HIGHAM (Yorkshire, W.R., Sowerby) suggested that the example set in the case of the Canadian Pacific Railway should be followed, and that the land on each side of the track should become the property of the State.

MR. CHURCHILL: I think that is a very important aspect of the question. I will do my best to bring it to the notice of the Secretary of State.

MR. WEDGWOOD asked whether, even where the land was privately owned, it would not still be possible by valuation at intervals to secure for Nigeria or for this country the increased value.

MR. CHURCHILL: I think that is a very important point, and it will not be overlooked. There should be no speculative value in land in Nigeria.

Crown Agents Office Reserve Fund.

MR. WALKER (Leicestershire, Melton): I beg to ask the Under-Secretary of State for the Colonies what was the office reserve fund of the Crown Agents' Office on 31st December last; and, if it was anything like the sum of nearly £300,000 at which it stood on 31st December, 1902, whether, seeing that the reserve fund would suffice to meet current requirements for some years, he will suspend the system under which the funds at the disposal of the Crown Agents' Office increase in direct ratio to any increase in expenditure upon public works of the Colonies and Protectorates for which they are the commercial and financial agents in the United Kingdom, with a view to the substitution of a system under which the Crown Agents will no longer have a direct interest in such increase of expenditure in these Colonies and Protectorates, some of which

are supported by grants-in-aid from the Treasury.

MR. CHURCHILL: On 31st December last the nominal value of the investments held on behalf of the Crown Agent's Office reserve fund amounted to £314,023. The Secretary of State is satisfied that it is not at present in excess of actuarial requirements, but if at any future time it should show a tendency to undue increase, the question of a reduction in the charges made to the Colonies will as heretofore receive consideration. The hon. Member does not appear to have perused fully the Papers referred to in my replies to him of the 31st July and the 19th November,† as paragraphs 3 and 17 of the memorandum in Cd. 1944 show clearly that the Crown Agents have absolutely no interest, direct or indirect, in an increase of expenditure by the Governments for which they act.

Congo Free State.

SIR FRANCIS CHANNING (Northamptonshire, E.): I beg to ask the Secretary of State for Foreign Affairs whether having regard to the decision arrived at in the Belgian Chamber as to the annexation of the Congo Free State, and having regard to the declarations of King Leopold, in his letter of 3rd June last, claiming that in any annexation the continuance of his arrangements with existing companies and concessions should be guaranteed, he will now take steps to convene an International Conference of the Powers who have treaty rights and obligations as to the Congo, so as to ensure that any final settlement of the future of the Congo Free State by annexation by Belgium or otherwise shall be carried out under explicit conditions and guarantees to protect the natives from the cruelties of its existing administration, and to secure just administration under some form of effective joint European control.

THE SECRETARY TO THE LOCAL GOVERNMENT BOARD (Mr. RUNCIMAN, Dewsbury; for Sir EDWARD GREY): The debate in the Belgian Chamber has only just concluded, and may, apparently, lead to Belgium taking over the Congo State in a short time. It is not desirable to prejudice the chances of this solution

† See (4) *Debates*, clxii., 700; clxv., 384.

by any other form of interference at this moment, which would have a less definite and effective result in changing or controlling the Administration of the Congo. In any case, it is not in the power of His Majesty's Government to convene a Conference. This can only be done by the consent of the other Powers interested, who would have to be consulted first. My right hon. friend would, however, remind the hon. Member of the Answer which has already been given respecting the opinion of the United States.

SIR FRANCIS CHANNING asked whether the right Gentleman the Secretary for Foreign Affairs had considered the fact that the proposed policy of annexation had been repeatedly postponed and frustrated, and whether the Conference which he suggested would not strengthen the hands of the Belgian Parliament in dealing with the question.

MR. RUNCIMAN: My right hon. friend is taking all these matters into consideration, and the statement I have made is the only one that can be made at the present moment.

London County Council Tram Profits.

*MR. WATERLOW (Islington, N.): I beg to ask Mr. Chancellor of the Exchequer whether his attention has been called to the evidence given by Mr. Hayward, Comptroller of the London County Council, before the Select Committee of the House of Commons on the London County Council tramways this year, in which on Table 1 it shows, for the year 1905-6, £4,000 as the amount of income-tax on a profit of £80,000; whether there is included in this amount of profit the statutory sinking fund; whether it is customary in all reproductive municipal undertakings to assess the sinking fund as part of the profit of such undertakings; and, if so, whether in all Returns to Parliament on the financial results of such municipal undertakings, the sinking fund will be shown as part of the profits earned.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fife, E.): I have not seen the evidence of Mr. Hayward to which my hon. friend refers, but I have no doubt the facts are as represented. As regards the assessment to income-tax under Schedule D, I have already ex-

plained that I am not at liberty to disclose the details in any particular case. With reference to municipal undertakings of a profit earning character generally, I may say that such undertakings are by law assessable on the whole of their profits, no deduction being made for any portion of such profits which may be carried to a sinking fund. The question as to the form of Parliamentary Returns relating to municipal accounts is one for my right hon. friend the President of the Local Government Board rather than for myself.

Income Tax on Interest on Foreign Securities.

SIR WILLIAM BULL (Hammer-smith): I beg to ask Mr. Chancellor of the Exchequer if interest on Foreign Government securities, which is not payable in the United Kingdom but has to be sent abroad for payment, such as French rentes, Italian rentes, and Japanese internal loan, are not included in the schedule of foreign securities; and if, in consequence, British subjects resident abroad have a right to a refund of income-tax on such interest when paid into a banking account in the United Kingdom.

MR. ASQUITH: I am not very clear what is meant by "interest which has to be sent abroad for payment," nor am I acquainted with any "schedule of foreign securities." The liability of a British subject domiciled abroad to income-tax upon dividends on investments depends on whether the dividends are, or are not, payable in the United Kingdom. If the hon. Member can give me a concrete instance of what he has in mind, I will make inquiry.

Income-Tax—Schedules C and D.

SIR WILLIAM BULL: I beg to ask Mr. Chancellor of the Exchequer, why the rule applicable to Schedule D of the income-tax is not also applicable to Schedule C, under the Act which provides that every provision in this Act contained and applied to the duties in any particular schedule which shall also be applicable to the duties in any other schedule, and not repugnant to the provisions for charging, ascertaining, or levying the duties in such other schedule, shall, in charging, ascertaining, and levying the same, be applied as fully and

effectually as if the application thereof had been so expressly and particularly directed; anything herein contained to the contrary notwithstanding.

MR. ASQUITH: The directions contained in the Act for assessment under Schedule C are comprehensive and precise, and the application to assessments under that schedule of the provisions relating to Schedule D to which the hon. Member refers, would clearly be repugnant to those directions.

London Police Stations and the Telephone.

MR. MORTON (Sutherland): I beg to ask the Secretary of State for the Home Department whether he has yet decided to have all the metropolitan police stations connected with the general telephone system; and, if so, when will the arrangement come into force.

*THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.): The experiment of connecting certain police stations with the public telephone system has been tried, and has been so far successful that a considerable extension is contemplated.

Metropolitan Police Commission.

SIR HOWARD VINCENT: I beg to ask the Secretary of State for the Home Department what has been the expense to the public of the Metropolitan Police Commission up to the present time, how much it costs the police fund per sitting, and whether he can say when the police will be able to take up their ordinary duties.

*MR. GLADSTONE: I regret that I cannot give the particulars of expense to the police fund up to the present time. The total expense incurred has not yet been worked out, and the cost per sitting varies according to the extent of the inquiries which it may have been necessary to make, the number of officers who have to be present, the attendance of counsel, and other circumstances. I cannot say when the Commission will be able to conclude their labours, but I understand that they have not at present been able to fix dates for hearing the witnesses who wish to give evidence in favour of the police.

Newbury Conviction under the Game Laws.

MR. MACKARNES (Berkshire, Newbury): I beg to ask the Secretary of State for the Home Department whether his attention has been called to the conviction, on 6th December, by the Newbury county magistrates, of a lad called Jesse Fry, for trespassing in pursuit of game by throwing a stone on Greenham Common, on his way home from Sunday school, which is alleged to have killed a rabbit; whether he is aware that a fine of 7s. 6d. was inflicted for this act; and whether, with a view to prevent the respect for the administration of justice being lessened, he will consider the propriety of remitting the fine.

*MR. GLADSTONE: My attention had not previously been called to this case, and I have no information beyond the newspaper cutting which my hon. friend was good enough to send to me, but I am making inquiries into it.

Enteric at Wandsworth.

MR. ASHLEY (Lancashire, Blackpool): I beg to ask the Secretary of State for the Home Department whether his attention has been called to the numerous cases of enteric which have been reported in His Majesty's prison, Wandsworth, during the last few years; whether he is aware that six cases have been notified this year; and what steps he proposes to take to safeguard the health of the prisoners.

*MR. GLADSTONE: It is the fact that some cases of enteric fever of a mild type have occurred at Wandsworth Prison during the past few years, and that during the present year there have been six such cases. All possible precautions were taken on each occasion to prevent a spread of the disease. Inquiry showed that some of the cases were imported from outside, as must occasionally occur in prisons with a large floating population. As, however, there was reason to believe that certain of the later cases originated within the prison, a thorough investigation into their origin has been made, with the result that steps are now being taken to remedy certain sanitary defects which have been discovered, and to reconstruct the old drainage of the prison.

Motor 'Bus Drivers' Pay.

MR. T. F. RICHARDS: I beg to ask the Secretary of State for the Home Department whether he is aware that it is becoming a common practice to compel motor 'bus drivers to drive their 'buses on the piecework system, by which they must complete a certain mileage to secure a day's pay, varying from thirteen to nineteen hours per day (often without intervals for food); and whether, in the interest of public safety, he will, at an early date, introduce legislation that would secure a maximum working day at this work of nine hours per day.

*MR. GLADSTONE: Motor 'bus drivers in some instances receive their full rate of pay for the performance of a fixed number of journeys per day. For lost journeys some deduction is made. I understand that the hours of work of motor drivers average about nine and a half daily, except in the case of the Vanguard Company, who on one route employ their drivers for thirteen and a half hours a day, giving them one day's rest in three. The average day on this route is thus one of nine hours.

Hornsea Sea Defences.

MR. STANLEY WILSON (Yorkshire, E.R., Holderness): I beg to ask the President of the Local Government Board whether, in view of the fact that the town of Hastings has, during the present year, been granted borrowing powers for a period of fifteen years for sea-defence groynes of a light character, he will assist the town of Hornsea, East Yorkshire, by granting them similar powers for groynes of a substantial and expensive character.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (MR. JOHN BURNS, Battersea): I do not find that the Local Government Board have sanctioned any loans for groynes at Hastings during the present year. They have recently sanctioned a loan for timber groynes at Hornsea, and in accordance with their usual practice in the case of groynes of this character the period for the repayment of the loan has been limited to ten years.

MR. STANLEY WILSON: If I can prove the fact as regards Hastings, will

the right hon. Gentleman reconsider his decision as regards Hornsea?

MR. JOHN BURNS: I shall be glad to hear anything which will enable me favourably to consider the Hornsea case. I believe at Hastings the loan was for a substantial concrete groyne.

MR. STANLEY WILSON: My information is different.

MR. JOHN BURNS: I am confirmed in my view in another quarter of the House.

Tuberculosis in Pigs.

MR. WATT (Glasgow, College): I beg to ask the President of the Local Government Board if he is aware that in the United States of America pig carcasses intended for export and which, on post mortem examination, are found to be affected with tuberculosis, are adjudicated by the inspectors by a much more lax standard than that recommended by the Royal Commission on Tuberculosis 1898, whose findings have been issued by his Department for the guidance of Home inspectors; and will he take the necessary steps to ensure that all pig carcasses slaughtered at home, or abroad if brought to this country, are examined in accordance with the requirements contained in the recommendations of the said Royal Commission.

MR. JOHN BURNS: I am aware that the carcasses of pigs intended for export from the United States are not dealt with on the standard recommended by the Royal Commission of 1898. I do not think that pending the Report of the Royal Commission on Tuberculosis which is now sitting, I could take action of the kind contemplated in the last part of the Question.

The Norwich Unemployed.

MR. GEORGE ROBERTS (Norwich): I beg to ask the President of the Local Government Board whether he is aware that 962 unemployed persons have registered with the Norwich Distress Committee, of whom 692 are qualified for assistance under the Unemployed Workmen Act; that these figures do not fully represent the number of unemployed

within the city; that work can be provided by the distress committee in co-operation with the corporation provided funds are available; whether he has received an application for a share of the grant of £200,000; if so, is he acceding to such request; and will he state what sum is to be thus allocated.

MR. JOHN BURNS: I am aware of the facts stated. The distress committee have applied for a share of the Grant, and I have asked for certain information which is necessary to enable me to deal with the application. As soon as this is furnished I hope to come to a decision with regard to it.

Hatherleigh Sub-Postmaster.

MR. WALROND (Devonshire, Tiverton): I beg to ask the Postmaster-General if his attention has been called to the fact that the post office at Hatherleigh; Devon, has recently been moved into a building occupied by a political club; that the postmaster is an official of the said club, and that there is direct communication between the premises of the club and the post office, and that the postmaster is authorised to deal in liquor; and whether he will endeavour to find other premises for this post office.

THE POSTMASTER-GENERAL (Mr. SYDNEY BUXTON, Tower Hamlets, Poplar): The hon. Gentleman has been misinformed. The post office at Hatherleigh is not in a building occupied by a political club; the sub-postmaster is not an official of such a club, and there is no direct communication between the post office and the club. The sub-postmaster is a chemist and holds a licence for the sale of wines and spirits in sealed bottles only. I do not consider this sufficient reason for moving the post office to other premises.

Trade Unions and the Post Office Savings Bank.

MR. BARNES (Glasgow, Blackfriars): I beg to ask the Postmaster-General if he is now in a position to inform the House whether trade unions are entitled to deposit their funds in the Post Office Savings Bank; and whether such funds are applicable for the purpose of provident benefits or for the other objects of a union.

MR. SYDNEY BUXTON: I am glad to inform the hon. Member that I am now advised that trade unions are entitled under the Savings Bank Acts to deposit their funds in the Post Office Savings Bank without reference to the specific purpose for which such funds are applied. The deposit will be made under the same regulations as to amount as in the case of other charitable and provident societies, that is to say, deposits can be made up to £100 in the year and £300 in the whole with the consent of the Postmaster-General; and to an unlimited amount with the consent of the National Debt Commissioners. On the latter point I am communicating with the Chancellor of the Exchequer.

Gwespyr School Accommodation.

MR. ELLIS GRIFFITH (Anglesey): I beg to ask the President of the Board of Education whether his attention has been called to the inquiry which was held at Gwespyr, Flintshire, on Saturday, the 15th instant, with reference to the provision of school accommodation in that district; and whether it is the intention of the Board of Education to publish the shorthand notes of the evidence given at the inquiry.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. BIRRELL, Bristol, N.): My attention did not need to be called to the inquiry referred to. I have been fully familiar with the case for a long time past, and I took special care as to the holding of an inquiry on Saturday last. I will see that the Report of the inquiry which will be furnished to the Board by the Commissioner in accordance with Section 73 of the Act of 1870 is laid on the Table of the House as soon as a judicial decision is arrived at. The evidence given before the Commissioner, especially as to the evictions, has been very fully reported in the local and other newspapers.

Publication of New Acts of Parliament.

MR. PICKERSGILL (Bethnal Green, S.W.): I beg to ask the Secretary to the Treasury whether his attention has been drawn to the interval which elapses between the date when a Public Bill in Parliament receives the Royal Assent and the date when copies of the Act of Parliament are obtainable by the public;

whether he is aware that copies of The Marriage with Foreigners Act, 1906, which received the Royal Assent on the 29th November, cannot yet be obtained, and that copies of the 23 Acts which were passed on the 4th August were not obtainable until on or about the 27th August; and whether, having regard to the inconvenience which is caused by this delay, he will communicate with the King's printer with a view to secure earlier publication.

THE FINANCIAL SECRETARY TO THE TREASURY (Mr. McKenna, Monmouthshire, N.): As soon as I saw my hon. friend's Question on the notice Paper, I made inquiries into the matter, and I am causing steps to be taken by which I hope to effect a considerable improvement.

Royal Chapel, Holyrood.

MR. MORTON: I beg to ask the First Commissioner of Works whether he can give the House any information with regard to the proposed restoration of the Royal Chapel, Holyrood, or whether the chapel will in any case be put in repair to preserve as much as possible of the old building.

THE FIRST COMMISSIONER OF WORKS (Mr. Harcourt, Lancashire, Rossendale): I understand that the trustees under Lord Leven's will have declined to act in the matter of the Holyrood bequest, and the legacy therefore falls into the residue of the estate. I am glad to know that Mr. Lethaby, the architect employed by the trustees to examine the building, expressed his opinion that the structure has been most carefully and suitably repaired and preserved by the Office of Works.

South American and Antwerp Cattle Trade.

MR. BOULTON (Huntingdonshire, Ramsey): I beg to ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, if any precautions are taken by the Board of Agriculture to ensure that ships engaged in the cattle trade between South American ports and Antwerp shall not be allowed to enter British ports without disinfection.

SIR EDWARD STRACHEY (Somersetshire, S.): Steps are taken to prevent the landing in Great Britain of manure, fodder, and cattle fittings from vessels engaged in the trade to which my hon. friend refers. The vessels themselves are disinfected very thoroughly by the Belgian authorities, and no special action in this direction has hitherto been considered necessary in this country. We shall, however, be glad to make further inquiry into the matter, the result of which I will communicate to my hon. friend.

Instruction in the Irish Language.

MR. BOLAND (Kerry, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is now in a position to state what action, if any, will be taken by the Commissioners of National Education on the proposals for the proper teaching of Irish put forward by the Gaelic League and submitted to the Commissioners several weeks ago.

THE CHIEF SECRETARY FOR IRELAND (Mr. Bryce, Aberdeen, S.): The Irish Government and the Commissioners of National Education are still in correspondence on this subject, and I am not yet in a position to state what action the Commissioners may take.

Crossmolina Road, Greenaum.

MR. LONSDALE (Armagh, Mid.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the fact that the Ballina District Council have refused to pass the estimate for the repair and maintenance of a road leading from the Crossmolina Road at Greenaum to the end of the road at Slievenagark, on the ground that it was used by the police who were protecting John Haire, the tenant of the Crannagh farm, who has been denounced by the United Irish League; and whether he will state what action he proposes to take.

MR. BRYCE: The Local Government Board have ascertained from the clerk of the Ballina Rural District Council that an application for the repair of the road mentioned in the Question was rejected by the council at their last quarterly meeting, but upon what grounds is unknown to the Board. The Board can

only act in a matter of this kind upon complaint being made by the county council that the district council have failed to keep this public road in good repair.

Police Protection in County Galway.

MR. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether police protection is still afforded to Mr. Shaw-Tener, Mr. Frank Shawe-Taylor, and Mr. Perrse, in county Galway; and whether his official information shows that their lives would be safe if the guards were withdrawn.

MR. BRYCE: I am informed by the police authorities that the reply to the first part of the Question is in the affirmative. As respects the second part of the Question, that is a matter of opinion. The police, however, consider it proper to afford protection to the gentlemen named.

MR. REDDY (Kings County, Birr): Would the conduct of Shaw-Tener and Frank Shawe-Taylor be tolerated in any other civilised country?

MR. BRYCE: That Question does not appear to arise out of the Answer I have given.

Grading of Butter.

MR. BOLAND: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the cost to the New Zealand Government of grading butter amounts, approximately, to only 1½d. per cwt; and whether, in view of the fact that since the institution of grading in that country the butter has attained a higher standard of value, which is represented by many shillings per cwt., and that the percentage of first-grade butter has risen in consequence from 93 per cent. in 1896 to 97·85 per cent. in 1906, he will state why the Irish Department of Agriculture do not take steps to institute a similar system in Ireland.

MR. BRYCE: The Department of Agriculture are not aware of the precise cost to the New Zealand Government of grading butter. They are, however, inclined to believe that the improvement

in New Zealand butter is due to the adoption of modern methods of manufacture resulting from expert instruction in dairying, rather than to the system of grading. The Department do not consider that the system of grading suitable for New Zealand could be satisfactorily applied to Ireland, owing to the great difference between the conditions of trade in the two countries. Moreover, the Department have no legal power to enforce a system of grading.

MR. BOLAND: Is the right hon. Gentleman aware that the figures quoted were given by the Under-Secretary for the Colonies last week? Does he consider that satisfactory?

MR. BRYCE: I gather from the Answer that the Department of Agriculture do not think it makes any difference.

MR. BOLAND: But if the Department are not satisfied with the New Zealand figures, will they inquire as to those for Queensland?

MR. BRYCE: It is not a question of figures at all. It is a question of difference between the butters which makes the practice of New Zealand inapplicable to Ireland.

MR. GWYNN (Galway): What is the difference?

MR. BRYCE: I think that is a Question of which notice should be given.

Kells Fishing Industry.

MR. BOLAND: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland what steps, if any, have been taken by the Congested Districts Board to comply with the request of the fishermen at Kells, county Kerry, that a suitable pier should be provided at that important fishing centre.

MR. BRYCE: I am informed that when the Congested Districts Board decided some years ago to build a pier at Roads, which is about two miles from Kells, they duly considered the claims of both places and selected Roads. The Board are not prepared to construct another pier at Kells.

Mrs. Scully's Tullarvan Estate.

MR. MEAGHER (Kilkenny, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if negotiations for the purchase of the Tullarvan, county Kilkenny, estate of untenanted land of Mrs. E. A. Scully have been renewed; if so, what progress, if any, has been made; and if, owing to the want of untenanted land in that district for the purpose of supplying evicted tenants with holdings, he will use his influence so that the estate may be purchased as soon as possible.

MR. BRYCE: The Estates Commissioners inform me that negotiations for the purchase by them of the estate mentioned have been renewed, and they expect to arrive at a decision in the matter, and to communicate that decision to the owner, in the course of this week.

Cornamona School Teacher.

MR. LONSDALE: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he will state what action was taken by the Commissioners of National Education in the case of Mr. Michael O'Malley, principal teacher in Cornamona school, county Galway; what was the allegation against him; whether he resigned his appointment; whether he has since been reinstated; and, if so, whether the National Commissioners have sanctioned his reinstatement.

MR. BRYCE: I informed the hon. Member on 11th July† last that Mr. O'Malley had resigned his position as principal teacher in Cornamona school. The allegation against him was that he had furnished a certificate of birth which in reality related to another person of the same name. The Commissioners now inform me that Mr. O'Malley subsequently withdrew his resignation, and the manager accepted the withdrawal and asked for the Commissioners' approval. The Commissioners informed the manager that having regard to his local knowledge, they considered the matter was one for his own decision.

Irish School Teachers Special Grants.

MR. LIDDELL (Down, W.): I beg to ask the Chief Secretary to the Lord-

Lieutenant of Ireland whether he can state the amount which would be necessary to cover a special grant of £10 per annum to national school teachers in Ireland who have already taken out University degrees; and whether, if such a sum does not exceed £1,000 per annum, he will take steps to place this amount on the Estimates, in accordance with the recommendations of the Commissioners of National Education of last year.

MR. BRYCE: The Commissioners of National Education inform me that the cost of giving £10 a year to existing teachers who are University graduates would be about £1,000 a year, but the Commissioners estimate that if the system were applied to teachers who may take degrees in future the cost would ultimately reach £10,000 a year. I do not express any opinion on this particular proposal, as it would need to be weighed whether so considerable an addition to the funds for primary education might not be better employed in some other direction. At the same time, I may say that the advantage of inducing teachers to take University degrees has been shown by the example of Scotland to be very great indeed.

MR. SLOAN (Belfast, S.): Is a proposal for increasing the salaries of the national school teachers under consideration?

MR. BRYCE: Yes, it is now being considered by the Irish Government.

Irish Intermediate Education Board Rules.

MR. DOLAN (Leitrim, W.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether in the proposed new rules of the Intermediate Education Board (Ireland) for 1908, is included one which requires that candidates should pass in two languages, exclusive of English, in order to qualify; is he aware that, in reply to the Commissioners' circular inviting the opinion of educational bodies and teachers as to the advisability of making such a regulation, the great majority of the replies were entirely opposed to it; and whether these facts will be taken into consideration before the sanction of the House is given to the new rules.

† See (4) *Debates*, clx., 888.

MR. BRYCE: The rule quoted in the Question is subject to important qualifications, viz.:—Only one language other than English is required in the preparatory grade; students of the three upper grades who have already passed with one language are not required to pass in more than one unless the previous pass was in the preparatory grade; girls are allowed to pass under conditions that do not require them to take two languages. The Board of Intermediate Education obtained the opinions of schoolmasters on the desirability and feasibility of the change, and, though the majority thought it undesirable, there were very few who thought it would not be possible to teach two languages. The teachers' opinions and all the other circumstances of the case were fully considered when the rules were being framed.

MR. CLANCY (Dublin County, N.): Will the leaving out of the date deprive this House of the right of objecting to this programme in any future year.

MR. BRYCE: I think not.

Earl of Annesley's Fishing Rights.

MR. MACVEAGH (Down, S.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether having regard to the fact that the Earl of Annesley began only last year to pay rates on his alleged rights to the fishing at Shimna River, Newcastle, he can say what steps the Department of Agriculture intends to take to investigate Lord Annesley's claim or to assert the public rights.

MR. BRYCE: The Department of Agriculture do not propose to take any steps to investigate Lord Annesley's claim to the fishery in question, as they have no power to do so. The matter is one which can only be decided by a court of law. The Department will, however, notify to the local Board of Conservators, who are primarily responsible for the enforcement of the fishery laws in the district, that if they consider that there is a *prima facie* case against Lord Annesley they should institute proceedings before the magistrates and have the matter tested.

Mr. Orpen's Glenflesk Estate, Kerry.

MR. MURPHY: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estate of the representatives of R. D. Orpen, of Glenflesk, county Kerry, is before them for sale; if not, whether the Estates Commissioners are aware that the landlord's representatives are willing to sell and the tenants to buy at reasonable prices; whether Messrs. Hogan and Sons, solicitors and land agents, Dublin, have threatened to issue writs against the tenants in order to force them into improper purchases; and whether the Estates Commissioners can take any steps to negotiate a sale or to prevent the tenants being unfairly treated in connection with sale negotiations.

MR. BRYCE: The Estates Commissioners inform me that no proceedings for the sale of the estate in question are pending before them, and they have no knowledge of the facts alleged in the Question. The Commissioners, however, will be prepared to consider whether they can usefully offer their services as conciliators in pursuance of No. VIII. of the Lord-Lieutenant's Regulations, if any application to that effect should be made to them by the persons interested.

MR. MURPHY: Can the right hon. Gentleman say if the Estates Commissioners will act without receiving any further representations?

MR. BRYCE: My impression is that it is not competent for them to act unless they receive representations.

MR. MURPHY: On behalf of the tenants?

MR. BRYCE: Yes.

Committals of Galway Children to Industrial Schools.

MR. GWYNN: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland why three children, John, Margaret, and Brigid Schofield, who were committed to industrial schools at the Galway Petty Sessions on 5th November, have been discharged by his order from the school without reasons given and without communication to the magistrates; and what provision is to be

made for these children, whose mother is dead and whose father, being a fisherman, is absent for considerable stretches of time.

MR. BRYCE: In the cases referred to I was advised that the evidence upon which the children were committed to industrial schools did not justify the orders made by the magistrates, and I had therefore no alternative but to direct the discharge of the children. There is nothing to prevent the children from being again brought up and committed to industrial schools, provided that sufficient evidence is available, but it is of course the father's primary duty to provide for the care of his children.

MR. GWYNN: Is it possible to find out by whom the information was supplied?

MR. BRYCE: It was supplied by my usual legal advisers, whom I consulted on the question of law.

MR. SLOAN: To what school were the children committed?

MR. BRYCE: I must ask for notice of that.

MR. GWYNN: Am I to understand that the order was discharged on a purely technical point?

MR. BRYCE: It was a point of substance rather than a technicality. The magistrate had no power to make the order unless on adequate evidence, and I am advised there was no such evidence; therefore the order could not be enforced.

Mr. John Haire, of Ardagh.

MR. T. L. CORBETT (Down, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that the Swinford Board of Guardians have unanimously adopted a resolution sent to them by the Ballina District Council (county Mayo) in which John Haire, of Ardagh, was specifically denounced as a renegade, a Judas, and a traitor, and that the acting clerk of the Swinford Guardians wrote informing the Ballina Board that this resolution had been passed; and what action he proposes to take in the matter.

MR. BRYCE: I was not aware of this resolution, but find that one containing the words quoted, apparently cumulative in their effect, was in fact passed. It appears that the district council regard the conduct of this gentleman as having, in their own words, no parallel in history, but it does not appear that he has suffered in any respect, so the matter is not one which calls for the interference of the Government.

MR. T. L. CORBETT: Does the right hon. Gentleman think language of this kind conducive to peaceable government in Ireland?

MR. BRYCE: I do not think it reflects credit on the council.

MR. T. L. CORBETT: A few weeks ago the right hon. Gentleman said he had no knowledge of this matter.

MR. BRYCE: Does the hon. Gentleman suggest my Answer was incorrect?

MR. T. L. CORBETT: No, Sir.

MR. BRYCE: The hon. Member can hardly suppose I have time to peruse all the resolutions passed by the local bodies in Ireland.

MR. MACVEAGH: Did not the hon. Member himself use on one occasion the same language regarding Lord Pirie?

MR. T. L. CORBETT: No, I did not.

Irish Loan Society Accounts.

MR. MACVEAGH: I beg to ask Mr. Attorney-General for Ireland whether his attention has been called to the fact that at Sixmilercross Petty Sessions, county Tyrone, on the 6th instant, Mr. R. S. Clements, J.P., a clerk and debenture holder in the Killadroy Loan Fund Society, adjudicated in claims advanced by his cousin, Mr. R. O. Clements, clerk of Killadroy, Beragh, and Omagh Loan Fund Societies; whether he is aware that the accounts on these claims were not made out in the manner provided by the Charitable Loans Act of this year; and whether, having regard to the pledge given during the passing of the Act that any justice of the peace being also a debenture holder or official who would

adjudicate in such cases would be dealt with by the Lord Chancellor, he can state what action has been taken in the Clements' case; whether he will call for all the papers in order to see whether any prosecution will lie against either of these gentlemen; and whether he will, meantime, take steps to have the decrees quashed.

THE ATTORNEY-GENERAL FOR IRELAND (MR. CHERRY, Liverpool, Exchange): I am informed that Mr. R. S. Clements, J. P., is not a clerk or debenture holder in any loan fund society, and has had no connection with any such society for some years past. I am not aware whether this magistrate adjudicated in the cases of the loan fund society over which his cousin, Mr. R. O. Clements, is receiver; but if such were the case, I am not prepared to say that this action was irregular. The loan fund board inform me that they are not aware whether the accounts referred to were prepared in the manner provided by the Charitable Loans Act of this year; but the Board are aware that the receiver was advised by senior counsel as to the manner in which the accounts should be prepared. No necessity, therefore, appears to exist for considering the matters raised in the concluding parts of the Question, but I desire to say that I am not aware that any such pledge as is mentioned in the Question was given when the Charitable Loans Fund Bill was passing through Parliament.

MR. MACVEAGH: Is the right hon. Gentleman aware that when the Bill was before the House I moved an Amendment providing that no justice of the peace should adjudicate in these cases if he were a debenture holder. And has he not said that a magistrate adjudicating under such circumstances would be breaking the law? Will he draw the attention of the Lord Chancellor to this case?

MR. CHERRY: I have no intention of doing that.

MR. MACVEAGH: Who informed the right hon. Gentleman that Mr. Clements was not a debenture holder in this society?

MR. CHERRY: I cannot answer that Question.

MR. MACVEAGH: I can tell you who he is.

The Shaftesbury Estate, Belfast.

MR. MACVEAGH: I beg to ask the Secretary to the Treasury whether his attention has been called to the judgment of the Estates Commissioners to the effect that, before sanctioning the sale of the Shaftesbury estate, near Belfast, the Treasury should be afforded an opportunity of appearing by counsel before them; whether he is aware that the total purchase money agreed by the tenants to be paid would, if invested at 3 per cent., yield 91 per cent. of the gross rental, or more than the net rental, at $3\frac{1}{2}$ per cent. would yield 109 per cent. of the gross rental, and at 4 per cent. no less than 116 per cent. of the gross rental, or 36 per cent. more than the present net income from the property, besides improving the security; whether the Treasury will represent to the Commissioners that in these figures the landlord has sufficient inducement to sell without also paying to him a bonus at the cost of the Irish taxpayers; and whether the Treasury will advise the Commissioners not to declare the property an estate, but to leave it to be dealt with under one of the previous Purchase Acts and thus save the bonus.

MR. MCKENNA: I have seen an account of this case in the newspapers, but no official Report has reached me on the subject. I am, however, making inquiries.

Tenants' Improvements.

MR. MACLEAN (Bath): I beg to ask the Prime Minister whether, in any forthcoming Government Bill dealing with the land question in England and Wales, he will include powers for town tenants to obtain compensation for improvements, and, in the case of long leaseholds, such powers as will enable leaseholders to acquire the freehold upon reasonable terms.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): I think it is premature to make any statement on this subject. Our general views are well known.

Discharges from the Crewe Railway Works.

MR. HUDSON (Newcastle-on-Tyne) : I beg to ask the Prime Minister whether he is aware that over 100 men, many of whom had been employed in the works for periods varying from forty to fifty years, have been dismissed from the Crewe shops of the London and North Western Railway Company; that the mayor of Crewe has issued an appeal on their behalf stating that, owing to their age, they will have great difficulty in procuring other employment; and whether the Government will, on an early day, either by providing old age pensions or some form of employment, make provision for such cases.

SIR H. CAMPBELL-BANNERMAN : I have no official knowledge of the circumstances, but I have no doubt that the facts are as stated by the hon. Member. I am afraid what has happened affords only one instance, the more of the urgent need for some system of old age pensions.

Gwespyr Education Inquiry.

MR. ELLIS GRIFFITH : I beg to ask the Prime Minister whether his attention has been called to the fact that it was stated in evidence at the inquiry held on the 15th inst. at Gwespyr, Flintshire, that Sir Pyers Mostyn had caused notice to quit to be served upon thirteen of his tenants for no reason other than that the said tenants had supported the establishment of an undenominational school in the district; and whether the Government propose to take any and what steps by legislation or otherwise, to protect tenants against such eviction.

SIR H. CAMPBELL-BANNERMAN : I cannot say anything about this matter at present. The Commissioner will make a formal report to my right hon. friend the President of the Board of Education whose duty it will be to come to a decision in regard to it. It would be improper for me under these circumstances to offer an opinion upon a case in process of judicial determination.

The French Separation Law.

MR. McKEAN (Monaghan, S.) : I wish to ask the right hon. Gentleman the Prime Minister a Question of which I have given him private notice. It is as

follows :—If his attention has been called to the recent violent expulsion from France of Monsignor Montagnine, Auditor of the Papal Nuncio to that country, to the seizure of his private papers and correspondence and to the publication of their contents; also if the right hon. Gentleman has been made aware of other similar proceedings connected with the Separation Law of 1905 involving the suppression of public worship as practised by the great majority of the French people; to the prosecution of numbers of French ecclesiastics for merely performing their ordinary duties, duties which are allowed to be discharged in this and every other free country unhampered by any artificial and irritating restraints; and whether under such circumstances the right hon. Gentleman will advise his Majesty, King Edward, to annul and dissolve the alliance between this country and France generally known as the *entente cordiale* unless and until the French Government undertakes to respect the rights of conscience on the part of, and the rights of property belonging to, French citizens? [Laughter]—"Loud laughter bespeaks the vacant mind."

MR. DEPUTY-SPEAKER : Seeing that the alleged facts complained of are not matters for which the Prime Minister is in any way responsible, and seeing that the Question seems to be couched in the form rather of an argumentative speech, I am of opinion that such a Question should not be asked unless it is submitted at the Table.

MR. McKEAN : I have submitted the Question to the Prime Minister, and I understood the right hon. Gentleman would answer it. If he is not responsible for the facts, he is responsible for the Government of this country.

MR. DEPUTY-SPEAKER : I have ruled that the Question cannot be put.

PUBLIC PETITIONS COMMITTEE.

Eighth Report brought up, and read; to lie upon the Table, and to be printed.

BUSINESS OF THE HOUSE.

MR. WALTER LONG (Dublin, S.) asked as to the business for that day, and suggested that as the Lords' Amendments

to the Town Tenants (Ireland) Bill had not been circulated the discussion thereon should be postponed.

SIR H. CAMPBELL-BANNERMAN said they were living from hand to mouth, as it were, their daily food being mostly Amendments of the House of Lords, which came to them in courses which they could not anticipate with certainty. They imagined, however, that to-morrow they would be in a position to consider the Lords' Amendments to the Workmen's Compensation Bill. The Report of the Public Trustee Bill would also be put down.

MR. BRYCE explained that the copies of the Lords' Amendments to the Town Tenants (Ireland) Bill were expected very shortly, and he suggested the House should proceed with the consideration of the first Amendment, which, being of some importance, as it struck out the retrospective character of the Bill, would take some time.

MR. STANLEY WILSON urged that the Public Trustee Bill should be proceeded with first.

MR. JOHN REDMOND (Waterford) objected to that very strongly as several of his colleagues had come over from Ireland to discuss this matter, and one had to return that night.

MR. WALTER LONG said that under the circumstances he was willing to act on the suggestion of the Chief Secretary.

TOWN TENANTS (IRELAND) BILL.

Order read for the consideration of the Lords' Amendments.

THE CHIEF SECRETARY FOR IRELAND (MR. BRYCE, Aberdeen, S.) said these Amendments divided themselves into three classes. The first were Amendments of a purely drafting character which should not cause any trouble. They were improvements to the Bill and would make it free from ambiguity. The second class of Amendments were machinery. When the Bill left the House there were certain parts which did not contain all the provisions for carrying out the main points of the Bill in detail, and certain provisions

in the nature of machinery were introduced in the House of Lords. These Amendments, taking them all in all, were of importance to the Bill, and would enable it to work with the least possible friction. The third class were Amendments of substance, and he was sorry to say that with scarcely any exception they seemed to him to be regrettable and unfortunate. They were Amendments which would impair the operation of the Bill. He did not think it possible, if the House adhered to the views it expressed on Report, to accept those Amendments *en bloc*. Some of them would be sufficient to defeat the main object of the Bill. The Government, in another place, did their best to resist the Amendments, and anything that was accepted was agreed to only for the sake of averting greater evil, and was in the nature of a compromise. The Government had done their best to save some of the vital features of the Bill, and if they had not succeeded it had not been the fault of those who represented them in the House of Lords. They had now to consider how they were to deal with the Bill in the form in which it had come back. They were very anxious that the Bill should be passed and that a measure of justice, so long hoped for and so long delayed, should, if possible, be given to the people of Ireland. They, therefore, reluctantly proposed to ask the House to agree to two Amendments which did not commend themselves to their minds and which they believed would impair the value of the Bill. One of these Amendments directed the court to take an account of the time during which the improvements had been enjoyed by the tenant, an Amendment, which, if it were not superfluous, was certainly deleterious. The other was the recasting of the clause providing compensation for disturbance, which had been put in a different form and one likely to work less equitably than that in which it left the House of Commons. These Amendments he should ask the House to accept if they could. There were two other Amendments which he could not ask the House to accept which appeared to strike at the very root of the Bill—one applying to Clause 1 and one to Clause 6, which in the view of the Government destroyed the application of the leading fundamental principles of the Bill. One declared that the operation of the Bill

Mr. Walter Long.

should not be retrospective, that the provision for making compensation for improvements should not apply to any improvement made before the passing of the Act. To accept that would destroy all the interest of existing tenants in the improvements which they had executed, and it would baulk the hopes which they had been led to entertain that their improvement would not have been made for the landlord's benefit alone, but that the landlord would be required to give compensation for them. That proposition was affirmed by large majorities in the House of Commons, and in respect of the Amendment which had been made he was obliged to ask the House to disagree with the House of Lords. The Amendment to Clause 6 would have the effect of destroying the value of that clause or at any rate of greatly reducing its value. It proposed to limit the amount to be received in respect of compensation for disturbance to three years rent of the premises; where the rent was low that might be altogether inadequate compensation to the tenant for the loss and expense he incurred in having to quit. On these two vital Amendments the Government proposed to stand firm, and having said that he would have no more to say before they approached the consideration of each Amendment in detail.

Motion made, and Question proposed, "That the Lords' Amendments be now considered."

MR. JOHN REDMOND (Waterford) thought the course the right hon. Gentleman had taken in giving the House a general outline of what the Government intended to do was a most convenient one. It would also be convenient if he were to tell the House in a few words what the Irish Party thought about the matter. Of course the Bill was now a Government measure and had been largely recast by the Government, but the fact still remained that it had been introduced by a private Member. The view the Party took was that the Bill as it had come back from the Lords was absolutely worthless. If it was a question of accepting the measure with the Lords' Amendments or of rejecting it, he had no hesitation in saying that he and his friends would prefer that the Bill should be lost. The Government by

their conduct of the Bill in the Commons went upon the lines of accepting as far as possible suggestions and Amendments from Members upon his own side of the House; but they had also accepted and put in the Bill several Amendments before it went to the Lords which did not commend themselves to him and his colleagues. They thought, however, under the circumstances it would be wise for his friends and himself to give the Government a free hand up to a certain point. In the House of Lords the Government proceeded in the same way, and accepted a number of Amendments which he thought were of a most injurious character. The Chief Secretary had told the House that the Government only accepted such Amendments because they were forced to do so in order to stave off other proposals of a still more injurious character. He recognised the difficulty, but he wished to emphasise the fact that the Government had accepted from the opponents of the Bill in both Houses a very large number of Amendments which he and his friends considered injurious. He understood that the right hon. Gentleman proposed to accept a still greater number of Amendments. He did not believe there was a single Amendment made in the other House which was not restrictive in its character and harmful in its effect, and if he had his way he would not accept a single one of them. The right hon. Gentleman, however, was proposing another course. He proposed to accept Amendments of a most serious nature in order to save the general principles of the Bill. He proposed to accept an Amendment providing that the Court should take into consideration the number of years during which the improvement had been enjoyed by the tenant. The National Members considered that was a very serious Amendment and one for which they could not be responsible. Again, the right hon. Gentleman proposed to accept a new clause providing compensation for disturbance which had been inserted in lieu of the clause agreed to by the House of Commons.

MR. BRYCE: Subject to the particular point which I have mentioned.

MR. JOHN REDMOND quite agreed with the right hon. Gentleman's interruption. Continuing, he said these

were very serious and far-reaching concessions. He did not know whether the right hon. Gentleman hoped that by going to the length he had done, he would disarm the hostility of the House of Lords and carry the remnant of the Bill through. That was a matter the right hon. Gentleman must decide for himself, but if such was really his thought he (Mr. Redmond) and his friends would not stand in his way. Even with reference to the Amendments which seemed most objectionable they were prepared not to stand in the way. There were, however, two other Amendments made by the House of Lords of such a character that they could not have been entertained or even listened to for one moment in the lower House or by his Party. He was glad that the right hon. Gentleman proposed to stand firm in regard to those. The first Amendment, viz., that to Clause 1, took away the retrospective character of the Bill, and if that were agreed to the Bill might just as well be thrown into the waste-paper basket. Without it the Bill would not only be worthless, but its passage would do a distinct injury to town tenants in Ireland. He presumed he might take the statement of the Chief Secretary on that point to amount to this—that the Government agreed with the view that he was putting forward, and that they would not in any circumstances accept that Amendment. He had therefore come to the conclusion that on that point there was no difference between hon. Members from Ireland and the Government, and that if it came to a question of taking the Bill with that Amendment in it or dropping it, they would drop it. He understood that the Government had agreed to accept the new compensation for disturbance clause instead of their own one, but subject to a reservation. The new clause of the Lords had by the last two or three words been made absolutely ridiculous and fatile, because the last words of the clause now were, “provided that such compensation for goodwill shall in no case exceed three years rent of a holding.” By what extraordinary confusion of mind did any noble Lord come to the conclusion that rent was a measure of the value of goodwill? Anyone who was acquainted with the towns of Ireland—he supposed the same

was true in this country and in Scotland—would know that the rent of premises in those cases was very low and that there were many business establishments in small towns in Ireland where the rent might be only £10 or £20. In the case of a big country shop the rent might be £30 a year. But the man who by his own capital and enterprise had built a business in those places and had created a valuable goodwill might be making a profit of £200, £300, or £500 a year. Under the operation of this Bill as amended by the Lords if the landlord unreasonably and without good and sufficient cause evicted such a man from the premises he would be able to get by way of compensation for disturbance for his goodwill only three years rent, say £30, £40, or £50, while his profits arising from the goodwill probably amounted to hundreds per annum. He gathered from the Chief Secretary that upon this point he was in agreement with the Nationalist Members.

MR. BRYCE: Hear, hear.

MR. JOHN REDMOND said he gathered also that if the Lords insisted upon that Amendment the right hon. Gentleman would not give way in another place, but would rather sacrifice the Bill than allow it to be so mutilated. His chief difference with the right hon. Gentleman amounted to this, that he, apparently in the guilelessness and goodness of his nature thought it was possible at the eleventh hour to induce noble Lords to act a little reasonably and to take those obnoxious Amendments out of the Bill. He was afraid noble Lords would do nothing of the kind. He thought all the right hon. Gentleman's concessions on other points, instead of inducing them to be reasonable would have a contrary effect, that the more he conceded to them by accepting their other Amendments the less likely they were to be reasonable. That remained, however, to be put to the test, and he would not stand in the way of the test being applied. And he would end as he began, by saying that if either one or other of the two defects to which he had alluded remained in the Bill he certainly would use every exertion he could to prevent its passing into law.

Mr. John Redmond.

MR. WALTER LONG (Dublin, S.) said the course taken by the Chief Secretary marked the difficulty they were in through not having in their hands earlier a copy of the Amendments. A copy had just that moment reached him, and the House had listened to two important speeches—one from the Chief Secretary and the other from the Leader of the Nationalist Party—both of whom spoke with probably equal authority on this subject. Not having the advantages of the Amendments before them they must submit to the difficulty and do the best they could. The Chief Secretary had dwelt on the Amendments generally. He himself only proposed to say a word on one or two of them. The right hon. Gentleman had said that this was a Bill of urgent and vital importance. That being the case it was a little remarkable that it was a Bill brought in by a private Member and only adopted by the Government at the last moment. The Government themselves had been compelled to amend it considerably both in this House and in the other. The right hon. Gentleman must be aware that the Bill was unlike any other Irish Bill connected with the land question. The whole method, principle, and practice of the Bill was applicable to the same class of property in England. Therefore it was obvious that hon. Members representing English constituencies must think it their business to take a very considerable interest in the debates on the Amendments. As to the retrospective character of the Bill, no doubt there was the strongest feeling among those who were not Irish Members on the Opposition side of the House that the proposal was a very dangerous precedent. The Irish land legislation which had hitherto been passed was no precedent for this particular case, and obviously it could not be a precedent for legislation of a similar character in England because there was no analogy between the conditions in the two countries in regard to agricultural tenancies. Although the circumstances in regard to town tenancies in England and Ireland were not identical, undoubtedly if the proposals contained in this Bill were passed with the consent of the official Opposition it would be held

afterwards as a precedent justifying similar action in regard to England, and that would interfere with the freedom of action of his hon. friends. Under these circumstances, while there would be no desire to unduly prolong discussion or to interfere with the passage of the Bill, the Chief Secretary must expect that some of his hon. friends would look at the retrospective aspect of the question not from the Irish point of view but from the point of view of legislation which might afterwards be proposed in regard to the rest of the country.

Question put, and agreed to.

Lords' Amendment, "In page 1, line 9, after the word 'made' to insert the words 'subsequent to the date of the passing of this Act,'" read a second time.

THE ATTORNEY-GENERAL FOR IRELAND (Mr. CHERRY, Liverpool Exchange) moved that the House disagree in said Amendment. As the hon. and learned Member for Waterford had stated, this was a vital Amendment. Every Member from Ireland knew that it affected thousands of owners of property. There were at the present day in all the towns of Ireland hundreds of cases where the tenants had put up valuable improvements upon the land which they held as tenants from year to year or on short term leases. That property was legally and technically the landlords' property. He thought the House would agree with him when he said that in equity and fair play it was the tenants' property.

SIR FREDERICK BANBURY (City of London): No.

MR. CHERRY said the hon. Baronet the Member for the City of London disagreed but he thought that the vast majority of the House would agree. It had been said that the Government had no precedent for the course they were taking in this case. There were only two instances in which Parliament had dealt with the question of compensation for improvements, and in both cases the Acts had been made retrospective. The first was the Landlord and Tenant Act of 1870 dealing with agricultural improvements.

That Act dealt with improvements made before its passing, and he did not think there was one person in Ireland now who would say that the Act was unjust in giving to the tenant the value of the improvements he had made. That Act had been in operation for thirty-five years, and since then Parliament, instead of restricting its retrospective operation had extended it. Hon. Members were aware that by the legislation for fixing fair rents passed in 1881, 1887 and 1896, the principle of compensation for improvements was extended, and the tenant was declared to be exempt from rent in respect of improvements. When in 1896 an alteration was made in the law of compensation for improvements the right which was limited to some extent in 1870 was made more general. As to English legislation, in 1883 the Agricultural Holdings Act extended in a certain degree the right of compensation which had been given thirteen years before. That Act was also retrospective. It seemed therefore that there was ample reason for adhering to a principle which was very valuable. The Government had introduced into this Bill qualifications and provisos in favour of the landlord which were not in the Act of 1870 which would prevent a scintilla of injustice being done to him. The first sub-section of the second clause distinctly provided that the tenant of a holding was not to be entitled to any compensation in respect of any improvement if the landlord had made a reasonable offer to continue the tenancy. The result was that no landlord could be compelled to pay for improvements against his will. If he had to pay it would be his own voluntary act, and if the tenant remained in occupation he would not be asked to pay a penny. The Bill distinctly provided that the landlord was only to be asked to pay for the actual value of what he got. It was necessary that the tenant should show that the letting value of the holding had been increased by the improvement. The Government proposed to accept the Amendment providing that the amount of the compensation was never to exceed the capitalised value of the increase in the letting value. Surely if the landlord in future was to get the increase in the rent in respect of money expended by the

tenant there was and could be no injustice in asking him to pay for what he had actually received in value. He did not believe there were many landlords in Ireland who were not anxious to compensate their tenants for improvements made by them which increased the letting value of their property, or who desired to take for nothing the property created by another. Two years ago a friend of his, a landlord, an Orangeman, and a strong Conservative, owned the whole property in a village, including a shop. The rent of that shop was £1 year. He asked his friend on what terms the shop was held, and he replied, from year to year. The tenant had made considerable improvements on the premises and added a building to them. He said to his friend, "Why don't you take the shop from the tenant who only pays £1 a year rent, when you could get £30 or £40 a year from somebody else?" The answer at once was—"Surely, no honest man would do that." He thought there were a great number of landlords in Ireland who would agree with that gentleman. All that this Bill provided was that no landlord, good or bad, should be allowed to appropriate, without compensation, the improvements made by his tenant. He maintained that the Lords' Amendment was an unreasonable one, and he asked the House to disagree with it.

Motion made, and Question proposed.
 "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Cherry.*)

SIR E. CARSON (Dublin University) said he could assure the House that he was not going over the old controversial grounds at considerable length; but he wished to deal with some of the observations of the right hon. and learned Gentleman the Attorney-General for Ireland. This was really the one substantial Amendment which was made in another place. [NATIONALIST cries of "No."] So far as he could see no substantial alteration had been affecting the principle of the Bill at all. What he would like to point out was that the Bill as amended by the Lords would alter the relations of landlords and tenants in Ireland even as

Mr. Cherry.

regarded existing contracts. The Amendment they proposed in the House of Commons was that existing contracts should be exempted from the Bill. The extent to which the House of Lords had gone was not to exempt existing contracts. They allowed existing contracts to be affected by the Bill, but what they said was that those contracts were only affected in relation to improvements made after the passing of the Bill. He submitted that the Bill was on the face of it an absolute justification of what the House of Lords had done as regards improvements made before the passing of the Bill. The whole Bill was taken up with safeguards which the House of Commons had thought necessary to impose with regard to claims for improvements made after the passing of the Bill. Why were these safeguards put into the Bill? Because the House thought it would be unfair that the landlord should be mulcted as regards improvements unless he had inserted safeguards taking care that in reality he was not being called upon to pay money in respect of improvements not made by the existing tenant. If all these safeguards were necessary as regards present improvements why ought the House to compel the landlord to pay for past improvements in respect of which not a single one of these safeguards could be applied, because at the time the improvements were made there was a different law? Of course it was impossible that the landlord should be able through having been given notice, or by taking any steps at the Court, or by registration, or by the preservation of evidence respecting the improvements, now to test the righteousness of the claims made or the necessity for the improvements. He contended that in the Bill itself there was justification for what the Lords had done. As the safeguards contained in the measure could not be applied to improvements made before the Bill was passed, it was obvious that those improvements could not come within its purview. The Attorney-General for Ireland had said that it was a very hard thing that a tenant who had made an improvement should be turned out at the end of the lease without being compensated. But that was not in the Bill. If a man had a lease of a house of

which three years were yet to run and the remainder of the lease was bought by another man without the latter paying a single penny to his predecessor for the improvements he had made, under this Bill that man would be enabled to claim not what he gave for the three remaining years of the lease, but for every improvement that had been made on the premises for the last fifty or 100 years. He could understand the right hon. Gentleman the Attorney-General for Ireland putting down an Amendment to make the Bill retrospective to the tenant who had made the improvements and arguing that that was just to the tenant, but he could not see that a man who had bought the remainder of the lease of a house or shop with his eyes open should be compensated for improvements which he had never made or paid for. If they were to go into the actual moral root of this matter no argument that could be set up would modify the action of the House of Lords. He could conceive of another case in which there might be justification for giving compensation by this *ex post facto* legislation. He thought that if this Bill passed it would be a hardship on tenants who had done much in making structural alterations to which the landlord was an assenting party; but that was not the Bill as it stood. If the landlord were to claim the improvements without compensation at the end of the lease that would be giving him a present of something for which there was no justification or moral right. The right hon. and learned Attorney-General for Ireland had gone into the old story of the Act of 1870. He thought the House had worn that subject threadbare.

MR. CHERRY said that the right hon. and learned Gentleman never answered his arguments.

SIR E. CARSON said he had, but the right hon. and learned Gentleman had evidently not done him the courtesy of listening to his speech. He maintained that the whole of the provisions of the Act of 1870 were made in consequence of the land hunger in Ireland where tenants would take farms on almost any conditions. But where was the house hunger in Ireland? If one walked through

the streets of the towns and villages of Ireland he would find that the hunger was on the part not of the tenants for houses, but of the landlords to get tenants for the houses. He admitted that in England, at all events in parts of London, they had to pay higher rents than they had any right to do, but that was because they had to live there. He pressed upon the Government that they should accept this Amendment in some form or another, and if they could not adopt it in its present shape they might do so with some modification. He did not want to prolong the discussion but he must say that he did not think the Government should reject the Lords' proposal without trying to meet the other House in some way. There ought in his opinion to be some safeguard in regard to the tenants' claims which might be in some cases made under unjustifiable circumstances.

MR. CLANCY (Dublin County, N.) said that like the right hon. Gentleman he did not desire to prolong the discussion. He did not think it could be usefully carried on, because everything that could be said upon it had been said *ad nauseam*, especially in the Committee upstairs. As, however, the speech of the right hon. Gentleman touched the vital principle of the Bill, as one who had had a considerable part in the preparation of the measure he hoped he might be permitted to say a word or two. He admitted that if what the right hon. Gentleman had said were the case, there would be no justification for this Bill; but he denied the statement that there was no analogy between the case of the Irish tenants for whom provision was made in 1870 and 1881 and the tenants of houses for whom provision was made in this Bill. A great part of the case of the agricultural tenants in Ireland was that they were not free agents in contracting with their landlords, and on that basis Parliament passed those Land Acts of which they had heard so much. It was on the assumption which they in Ireland knew to be absolutely well founded, that there was no freedom of contract between the tenants in the towns of Ireland and the landlords, that this Bill was proposed. The right hon. Gentleman did not know perhaps

quite so much as some of them did about the conditions under which the town tenants in Ireland obtained possession of their premises, but he could tell him from his own absolute knowledge, and he thought every Irish Member might make the same statement truthfully, that while there were many persons who lived in houses who were quite independent of their landlords, there were scores of business men, small traders living in other houses, who were absolutely as unable to contract freely with their landlords as the agricultural tenants were with theirs, and it was because of that notorious fact which could not be denied that this Bill was proposed and justified. One would imagine that what was proposed was something monstrous and unheard of; he had heard it described in the House of Lords as confiscation. The Bill proposed that a man who made an improvement should get compensation for it. If that were the only proposition that had to be made on the subject some exception might be taken to the provision; but what were the conditions which must be fulfilled before any compensation at all could be given? The improvement must be at the date of the claim an actually existing improvement, and must add at the date of the claim a value to the landlord's property which the landlord never possessed before. Why should not the landlord pay for a thing which he never owned before and which was left to him by his tenant on quitting? The improvement, moreover, must be suitable to the holding, and must not diminish the value of any other part of the landlord's property; and it was expressly stated that every benefit which the tenant had received in the course of his tenancy from his landlord, whether in the shape of low rent or any other benefit whatever, was to be taken into account against the tenant; and if that were not enough the Government, in order to meet objections which had been raised by the Opposition, had added such a number of other exceptions that a town tenant reading the Bill would probably come to the conclusion that the first and second clauses provided simply for a number of cases in which he would not get compensation at all. It looked rather like a Bill for not giving him compensation, so

Sir E. Carson.

hedged round was it with restrictions and limitations, all he believed unnecessarily imported into the Bill and all tending very materially to diminish its value. He really could not understand how any human being with a sense of justice could describe it as confiscatory legislation. What went on at present was confiscation of the tenant's property by the landlord, and it was that which the Bill sought to prevent. When the right hon. Member for Dublin University said they had provided sufficient legislation in regard to future improvements, he replied that the limit of possibility had stopped them from applying the provisions relating to future improvements to past improvements. Surely the question, however, was whether any injustice was done by the actual provision applying to past improvements. If a landlord had got property which he had not erected or paid for, why should he not pay for it when he got a higher rent in consequence of it? If they would say boldly that because of his unrestrained power in the past the landlord should get the benefit of the tenant's improvements, he could understand it, but he could not understand these finicking arguments which really did not go to the substance of the question at all, but were simply used for the purpose of clouding the issue. The issue was plain and straight. It was whether or not a man who got an increased rent by reason of an improvement that he did not make should pay for it. If he was not to pay for it the Bill might as well be dropped, because they could not go to the people of Ireland and say they had accepted such a compromise.

MR. WILLIAM REDMOND (Clare, E.) said he desired to say a few words, for the simple reason that he and his colleague from West Clare spoke for a district in which there were an exceptionally large number of urban areas affected by this Bill or any Bill on this subject. He thought he was speaking with the authority of many of those who had been interested in the town tenants' movement when he said that the Amendments introduced into this Bill by the House of Lords, particularly the one under discussion, if retained would make the Bill entirely worthless.

It was a most extraordinary state of affairs that at the beginning of a new century a Bill desired by all classes and all the tenants in Ireland and having as many Conservative as Liberal supporters should be dismissed in half an hour and flung back in their faces by gentlemen about whom he did not wish to speak in a disrespectful fashion just then and there, but who certainly did not represent anybody. The Bill was not concerned altogether with the idea of mitigating cases of hardship in the future, but it and the agitation of which it was the outcome had resulted from hard cases which existed at the present time. It was absurd to say that they should pass an Act of Parliament which would give no relief whatever to those who were suffering grievances at the present time by reason of landlords being in possession of property which belonged to the men who made the improvements. If the Lords' Amendment were accepted a great injustice would be done to the town tenants. He was glad to see that the Government were standing by their proposal, and if this Amendment was insisted upon in another place it would intensify the feeling of the town tenants in Ireland and a better and stronger Bill would later be passed. He could not help reflecting that the same course might be followed in regard to this Bill as was followed in the case of land legislation in Ireland. Bill after Bill in that case was rejected, with the result that a measure of a far more drastic and far reaching character had finally to be adopted.

MR. BARRIE (Londonderry, N.) said, as one of those who had considerable sympathy with this measure, that, modified as the Bill had been in its passage through this House, and altered as it had been by the House of Lords, it had been materially improved. But he regretted that the House of Lords had so altered it as to insert the words the House was now dealing with. This measure was undoubtedly called for in Ireland owing to the action of certain landlords in that country. As modified it would, in his opinion, do no harm to good landlords and only be a measure of justice to those whose action had brought it about. He could not

quite agree with those with whom he usually acted and voted in the view they had taken in the matter. He considered the Amendments made in this House with regard to the compensation clause completely safeguarded the landlords against an unreasonable award for compensation. That safeguard was further strengthened on the Report stage, and therefore he hoped it would not be necessary to divide on this question, and that they would find the House of Lords willing to delete this Amendment in order that the Bill might be placed on the Statute-book.

SIR F. BANBURY (City of London) said he was sorry he could not agree with his hon. friend. This, he thought, was one of the most serious Amendments that had been introduced this session, and in view of the fact that the Chief Secretary had said that this Act might be applied to England——

MR. BRYCE: I never said so.

SIR F. BANBURY said he would not argue that now, but he thought if the right hon. Gentleman looked up the Committee stage of this Bill in the *Debates* he would find that he had. He took a very serious view of this matter, and was afraid he would have to go to a division upon it. It had been said that because the father of a man had taken a piece of land at £1 a year and had put a house upon it, the landlord should not raise the rent; but he submitted that in most cases the man and his father before him, who had had the use of that house and the land for thirty or forty years, had been recouped over and over again. To say that a landlord was not to raise the rent under such circumstances was against every principle of business and would put an end to all prosperity in the country. He was certain whether this Bill passed or not a more drastic measure would be proposed in the future to extend it, and under all the circumstances he trusted that the House would divide upon what he considered was one of the most serious questions ever brought before the House.

Mr. Barrie.

MR. GWYNN (Galway City) said that if a vote was taken upon this matter all Members representing Ireland, save about 5 per cent., would be found voting in favour of it. It was a matter which concerned, not London, but the small towns throughout the length and breadth of Ireland. Whatever the right hon. Gentleman the Member for Dublin University might say about land hunger, there was certainly a great scarcity of houses in many parts of Ireland. He desired to associate himself with all that had been said by his hon. friends on this matter, and to say with regard to the allegation that this was a measure of confiscation that all they were confiscating was the right of the confiscator to confiscate. It had been objected that the man whom the landlord would have to compensate was very often the man who had not made the improvement but who had taken over the holding since. He could see a very natural objection on the part of anyone to pay a man for what he had not done, but the incoming tenant would in most cases have taken over the lease and paid for the improvement in the shape of a higher rent. All he could say was that if this measure was thrown out in another place all the Irish representatives would wonder whether it was possible ever to get valuable legislation for Ireland.

MR. T. L. CORBETT (Down, N.) said he desired to associate himself in a very few words with the sentiments which had fallen from the hon. Member for North Derry. He had held for many years past what were called rather advanced views in connection with the question of town tenants. He had over and over again made pledges on the platform which he had always been prepared to fulfil in the House of Commons. He admitted that the clause dealt with one of the most difficult problems with which they were faced. Those opposed to the retrospective proposal forgot that the condition of affairs in Ireland was often totally different from the condition of affairs in England and Scotland. For his part he would confine the Bill to small towns, because in the large towns they could leave the natural ebb and flow of supply and demand to meet the conditions. If, as

he believed, the principle of compensation was really accepted by every Irish Member he thought it should apply to the past as well as to the future. There was very much less likelihood of bogus claims being made for compensation by men who never contemplated the passing of this Act than by men who might make improvements with the deliberate object of getting compensation. He thought, therefore, it was much safer to admit compensation for past improvements than for future improvements and, therefore, he supported the Government in this matter.

Mr. CHARLES CRAIG (Antrim, S.) said he was very much obliged to his hon. friend the Member for North Londonderry for the way in which he said he had to differ from some of his colleagues. He could assure his hon. friend he was equally sorry. But in every well-regulated family there were apt to be differences, and this was one of the cases in point. It would not however, make any difference to them in their relations. Having said that, he still held as strongly as ever that the retrospective action of this clause would inflict a very grave injury on landlords, and was quite uncalled for. Further than that, if it were left out, the Bill would still contain a great deal for which tenants would be very thankful, and which would very materially improve their position. He regretted very much the position the Chief Secretary had taken up with reference to this Amendment. It seemed to him there was ample room for compromise on this in conjunction with the sixth Clause. Whilst he was as strongly as ever opposed to its retrospective action, rather than lose the Bill altogether, he and he believed other Members sitting on the Opposition Benches would go some distance in allowing the Bill to be retrospective for a specified number of years. If the Chief Secretary had suggested to the House that this Amendment should be amended in the direction of allowing the Bill to be retrospective for five years, or even possibly for seven or ten years, all the reasonable objections of those hon. Members who were opposed to its retrospective action would be removed. He regretted very much the Chief Secre-

tary had not taken that course. As the right hon. Gentleman had said that the Government would drop the Bill if the Lords did not withdraw the Amendment the clearest and best way to come to an issue on the point was to divide on the Amendment. He thought it was highly probable the Lords would insist on the Amendment. He would be very sorry to see the Bill dropped, because it simply meant that they would have to fight the whole question over again. Of course they were quite ready to do that, but he would be sorry after three successive Bills had been introduced into the House of Commons that what he admitted were the wants of a large number of town tenants in Ireland should be still unsupplied. He thought that with a little give and take on this subject of retrospective action, the object aimed at could be perfectly well achieved under the present Bill. But apparently that was not going to happen, so that the sooner they got to a division on this clause the better.

Mr. BRYCE said the hon. Member who had just spoken had expressed his regret if the Bill should not pass. If the hon. Gentleman felt there were any danger of the Bill being lost he had a very simple way of prolonging its life, and that was to vote with the Government. He was sure the hon. Member's moral weight, coupled with that of the other Ulster Members who had spoken in support of the Government in resisting the Lords' Amendments, would have very great weight and effect in another place. The hon. Member had spoken of give and take. He (Mr. Bryce) thought they had given a great deal in the Bill, and they proposed to give more, but they could not give way on vital matters. There were only a few arguments used in the debate which he need refer to. He never thought to have to wish that the right hon. Gentleman the Member for Dublin University should be in another place.

SIR E. CARSON : I do not wish it.

Mr. BRYCE said he did not wish it for any reason except one, namely, that if it had been the case the Bill would have come back in a much better form. The

right hon. Gentleman had stated a number of cases in which he admitted there was a case for retrospective action, and doubtless he would have called the attention of the House of Lords to those cases, so that they could have discriminated between the cases in which they thought compensation should and those in which it should not be given. He did not mean to say that there should not be some qualifications, but they had not had any put before them. He believed the cases affected would be exceedingly few. The right hon. Gentleman knew that as a rule in the small Irish towns the son lived where the father lived and improvements were made by predecessors who were not only predecessors in title but predecessors in family. The right hon. Gentleman had also regretted the fact that the Government, in making provision for the future, that there should be proper safeguards in regard to making of improvements against the landlord's wish, could not make provision for the past. But they had left it to a tribunal which was sure to take account of everything. The County Court Judge would look at all the circumstances under which the improvement was made, and he would do substantial justice between the parties. The hon. Member for the City of London had repeated the charge he had often made that the Bill would be made a precedent for England. The Bill was not in any sense a precedent for England, though he personally should have no objection to seeing some of its provisions applied to England. Any one who looked back on Irish legislation for the last thirty-five years, however, would find that the same thing had been said of every such measure. Let every pot or every tenant stand on its own bottom, and let them legislate for Ireland as circumstances required and for England as circumstances required. Lastly, let him call attention to the very important fact which had come out in the debate as to the feeling that existed among Irish Members of all parties. They had the hon. Members for North Down and North Derry and probably other Ulster Members all supporting the Government, and they had a certain amount of qualified sympathy from the hon. Member who spoke last. These Ulster Members knew where the shoe pinched and that there was a

Mr. Bryce.

strong feeling on the question among the tenants of Ireland. They knew more about the small Irish towns than did the hon. Member for the City of London. There never was a Bill more carefully and more scrupulously safe-guarded than this Bill, and he confidently hoped that the House if forced [to take a division would send the Bill back with the full weight of its approval, because it was a measure which would remove long standing grievances in Ireland.

VISCOUNT CASTLEREAGH (Maidstone) said it was a matter of great regret to him, when it appeared they were all agreed on the principle of this Bill that compensation should be given to the tenants for improvements, that for one provision the whole Bill should be dropped. He had no wish to say there were not hard cases in Ireland. They had heard a great deal about Lord Clanricarde, and there were other landlords whom he was not there for a moment to defend, but he did not know why a multitude of landlords should be made to suffer an injustice because a few landlords did not study their tenants and the community. He sincerely hoped the House of Lords would insist upon this Amendment. They did not regard the House of Lords as a legislative body in the same sense as the House of Commons. They looked upon the Upper Chamber more as a body to check hasty legislation.

THE CHAIRMAN: I do not think this is an occasion for giving advice to the House of Lords.

VISCOUNT CASTLEREAGH hoped the spirit of compromise which the Chief Secretary had shown would enable him to reconsider the position he had taken up.

MR. BRYCE: I do not see that any compromise is possible.

VISCOUNT CASTLEREAGH said he regretted when they were all agreed that the tenant should be paid for improvements that the other benefits should be lost for the sake of this one object.

MR. VERNEY (Buckinghamshire, N.) said the hon. Baronet the Member for the City of London had stated that they

had no right to do a wrong thing to meet one or two hard cases. In his opinion this Bill did the right thing to meet many hard cases. The measure ought to be retrospective because it had to deal with accumulative acts of injustice. If the Bill was not made retrospective it would not touch the accumulated injustices. He wished to associate himself with those who had spoken against the Lords' Amendment, and he could assure the Irish representatives that there was a vast amount of sympathy with this measure amongst the English Members. He did not deny that there were objectionable landlords in Ireland, but what astonished him was that the best landlords should associate themselves with acts which pertained only to the worst landlords.

MR. SLOAN (Belfast, S.) congratulated the hon. Member for South Antrim on the consistent attitude he had taken up during the whole course of this Bill. No one who had listened to his speeches could help admiring his consistency. The hon. Member had stated that he represented the landlords. He certainly did not represent the people of the North of Ireland who were suffering from what this Bill would relieve them of. There were exceptions to the rule he was aware, but good landlords did not want this Amendment and bad landlords ought not to have it. For that reason he thought the Chief Secretary had

taken the proper course and those who differed with hon. Members below the gangway, both politically and religiously, were in complete agreement on this question. In his constituency of South Belfast 34,000 tenants would benefit under this clause, and he denied the statement of the hon. Member for North Belfast that it was not required. Whether or not the House of Lords accepted the attitude of the Commons on this question he was prepared to say that from his experience of the situation in the North of Ireland the people were quite prepared to enter into the fight with more energy and eagerness than they did before in order to have the Bill as it ought to be. When legislation of this kind was brought forward in Ireland and supported by all representatives with very few exceptions it was very hard that hon. Gentlemen with such large political experience as the hon. Member for the City of London should get up and oppose them. They in Ireland believed this was a good Bill, and they had the best reason to know. He heartily endorsed the attitude of the Government and associated himself with the Irish representatives in their refusal to accept this particular Amendment which would make the Bill null and void.

Question put.

The House divided:—Ayes, 265; Noes, 36. (Division List No. 501.)

AYES.

Abraham, William (Cork, N.E.)
Acland, Francis Dyke
Ainsworth, John Stirling
Alden, Percy
Allen, A. Acland (Christchurch)
Allen, Charles P. (Stroud)
Ambrose, Robert
Asquith, Rt. Hn. Herbert Henry
Astbury, John Meir
Baker, Sir John (Portsmouth)
Baker, Joseph A. (Finsbury, E.)
Baring, Godfrey (Isle of Wight)
Barlow, Percy (Bedford)
Barnard, E. B.
Barnes, G. N.
Barran, Rowland Hirst
Barrie, H. T. (Londonderry, N.)
Beauchamp, E.
Beaumont, Hn W.C.B. (Hexham)
Bell, Richard
Bellairs, Carylton
Benn, Sir J. Williams (Devonport)
Benn, W. (1st Warrington, S. Geo.)

Berridge, T. H. D.
Bethell, Sir J. H. (Essex, Romford)
Bethell, T. R. (Essex, Maldon)
Billson, Alfred
Black, Alexander Wm. (Banff)
Boland, John
Boulton, A. C. F. (Ramsey)
Bramsdon, T. A.
Branch, James
Brigg, John
Brodie, H. C.
Brooke, Stopford
Bryce, Rt. Hn. James (Aberdeen)
Bryce, J. A. (Inverness Burghs)
Burke, E. Haviland
Burns, Rt. Hon. John
Burnyeat, W. J. D.
Buxton, Rt. Hn. Sydney Chas.
Byles, William Pollard
Cameron, Robert
Campbell-Bannerman, Sir H.
Carr-Gomm, H. W.
Causton, Rt. Hn. Richard Knight

Channing, Sir Francis Allston
Cheetham, John Frederick
Cherry, Rt. Hon. R. R.
Churchill, Winston Spencer
Clancy, John Joseph
Clarke, C. Goddard
Cleland, J. W.
Clough, William
Clynes, J. R.
Cobbold, Felix Thornley
Collins, Stephen (Lambeth)
Condon, Thomas Joseph
Cooper, G. J.
Corbett, C. H. (Sussex, E. Grinstead)
Corbett, T. L. (Down, North)
Cornwall, Sir Edwin A.
Cory, Clifford John
Cotton, Sir H. J. S.
Cowan, W. H.
Craig, Herbert J. (Tynemouth)
Cremer, William Randal
Crombie, John William
Crosfield, A. H.

Crossley, William J.
 Davies, Timothy (Fulham)
 Davies, W. Howell (Bristol, S.)
 Dickinson, W. H. (St. Pancras, N)
 Dolan, Charles Joseph
 Duncan, C. (Barrow-in-Furness)
 Dunn, A. Edward (Camborne)
 Dunne, Major E. Martin (Walsall)
 Edwards, Enoch (Hanley)
 Edwards, Frank (Radnor)
 Elibank, Master of
 Everett, R. Lacey
 Faber, G. H. (Boston)
 Fenwick, Charles
 Ferens, T. R.
 Ffrench, Peter
 Findlay, Alexander
 Fullerton, Hugh
 Gilhooly, James
 Gill, A. H.
 Ginnell, L.
 Gladstone, Rt. Hn. Herbert Jn.
 Glover, Thomas
 Goddard, Daniel Ford
 Gooch, George Peabody
 Grant, Corrie
 Greenwood, G. (Peterborough)
 Griffith, Ellis J.
 Gurdon, Sir W. Brampton
 Gwynn, Stephen Lucius
 Hall, Frederick
 Halpin, J.
 Harcourt, Rt. Hon. Lewis
 Hardy, George A. (Suffolk)
 Harvey, A. G. C. (Rochdale)
 Harwood, George
 Haslam, James (Derbyshire)
 Haworth, Arthur A.
 Hedges, A. Paget
 Hemmerde, Edward George
 Henderson, Arthur (Durham)
 Henderson, J. M. (Aberdeen, W.)
 Herbert, T. Arnold (Wycombe)
 Higham, John Sharp
 Hobart, Sir Robert
 Hodge, John
 Hogan, Michael
 Holland, Sir William Henry
 Hopper, A. G.
 Horniman, Emalie John
 Howard, Hon. Geoffrey
 Hudson, Walter
 Idris, T. H. W.
 Illingworth, Percy H.
 Jardine, Sir J.
 Jenkins, S.
 Johnson, John (Gateshead)
 Jones, Sir D. Brynmor (Swansea)
 Jowett, F. W.
 Kearley, Hudson, E.
 Kekewich, Sir George
 King, Alfred John (Knutsford)
 Kitson, Rt. Hon. Sir James
 Laidlaw, Robert
 Lamb, Ernest H. (Rochester)
 Lambert, George
 Layland-Barratt, Francis

Lehmann, R. C.
 Lever, W. H. (Cheshire, Wirral)
 Lloyd-George, Rt. Hon. David
 Lough, Thomas
 London, W.
 Lupton, Arnold
 Lyell, Charles Henry
 Lynch, H. B.
 Macdonald, J. M. (Falkirk B'ghs)
 MacVeagh, Jeremiah (Down, S.)
 M'Arthur, William
 M'Crae, George
 M'Kean, John
 M'Kenna, Reginald
 M'Killop, W.
 M'Micking, Major G.
 Maddison, Frederick
 Mallet, Charles E.
 Manfield, Harry (Northants)
 Markham, Arthur Basil
 Marnham, F. J.
 Massie, J.
 Meagher, Michael
 Micklem, Nathaniel
 Molteno, Percy Alport
 Montagu, E. S.
 Morgan, G. Hay (Cornwall)
 Morley, Rt. Hon. John
 Morse, L. L.
 Morton, Alpheus Cleophas
 Murphy, John
 Napier, T. B.
 Nicholson, Chas. N. (Doncast'r)
 Nolan, Joseph
 Norton, Capt. Cecil William
 O'Brien, Kendal (Tipperary Mid)
 O'Brien, Patrick (Kilkenny)
 O'Connor, John (Kildare, N.)
 O'Connor, T. P. (Liverpool)
 O'Donnell, C. J. (Walsworth)
 O'Grady, J.
 O'Kelly, James (Roscommon, N.)
 O'Malley, William
 O'Mara, James
 Parker, James (Halifax)
 Paul, Herbert
 Pearce, Robert (Staffs. Leek)
 Pollard, Dr.
 Power, Patrick Joseph
 Price, C. E. (Edinb'gh Central)
 Radford, G. H.
 Rainy, A. Roland
 Raphael, Herbert H.
 Rea, Walter Russell (Scarboro')
 Reddy, M.
 Redmond, John E. (Waterford)
 Redmond, William (Clare)
 Rees, J. D.
 Rendall, Athelstan
 Richards, T. F. (Wolverh'mpt'n)
 Richardson, A.
 Roberts, G. H. (Norwich)
 Roberts, John H. (Denbighs.)
 Robertson, Rt. Hn. E. (Dundee)
 Robertson, Sir G. Scott (Brad'f)
 Robertson, J. M. (Tyne-side)
 Robinson, S.

Roche, Augustine (Cork)
 Rogers, F. E. Newman
 Rowlands, J.
 Runciman, Walter
 Rutherford, V. H. (Brentford)
 Samuel, Herbert L. (Cleveland)
 Scott, A. H. (Ashton under Lyne)
 Sears, J. E.
 Seaverns, J. H.
 Seddon, J.
 Selly, Major J. B.
 Shackleton, David James
 Shaw, Charles Edw. (Stafford)
 Shaw, Rt. Hon. T. (Hawick, B.)
 Sheehy, David
 Silcock, Thomas Ball
 Sloan, Thomas Henry
 Snowden, P.
 Soares, Ernest J.
 Spicer, Sir Albert
 Steadman, W. C.
 Stewart, Halley (Greenock)
 Strachey, Sir Edward
 Straus, B. S. (Mile End)
 Strauss, E. A. (Abingdon)
 Sullivan, Donal
 Summerbell, T.
 Taylor, John W. (Durham)
 Thomas, Abel (Carmarthen, E.)
 Thomas, Sir A. (Glamorgan, E.)
 Thorne, William
 Tomkinson, James
 Toulmin, George
 Trevelyan, Charles Philips
 Ure, Alexander
 Verney, F. W.
 Wadsworth, J.
 Walker, H. De R. (Leicester)
 Wallace, Robert
 Walsh, Stephen
 Walters, John Tudor
 Walton, Sir John L. (Leeds, S.)
 Ward, John (Stoke upon Trent)
 Ward, W. Dudley (Southampton)
 Wardle, George J.
 Warner, Thomas Courtenay T.
 Wason, Eugene (Clackmannan)
 Wason, John Cathcart (Orkney)
 Waterlow, D. S.
 Watt, H. Anderson
 Wedgwood, Josiah C.
 White, George (Norfolk)
 White, J. D. (Dumbartonshire)
 White, Patrick (Meath, North)
 Whitehead, Rowland
 Whitley, J. H. (Haliar)
 Whittaker, Sir Thomas Palmer
 Williamson, A.
 Wilson, Hn. C. H. W. (Hull, W.)
 Wilson, Henry J. (York, W. R.)
 Wilson, W. T. (Westhoughton)
 Wood, T. M'Kinnon

TELLERS FOR THE AYES—Mr.
 Whiteley and Mr. Herbert
 Lewis.

NOES.

Acland-Hood, Rt. Hn. Sir Alex. F.
 Arkwright, John Stanhope
 Banner, John S. Harmood-

Beach, Hn. Michael Hugh Hicks
 Beckett, Hon. Gervase
 Bowles, G. Stewart

Carlile, E. Hildred
 Carson, Rt. Hon. Sir Edw. H.
 Cecil, Lord R. (Marylebone, E.)

Chance, Frederick William
Corbett, A. Cameron (Glasgow)
Craig, Charles Curtis (Antrim, S.)
Dixon-Hartland, Sir Fred Dixon
Fell, Arthur
Finch, Rt. Hon. George H.
Fletcher, J. S.
Hamilton, Marquess of
Hervey, F.W.F. (Bury S. Edm'ds)
Hunt, Rowland
Kenyon-Slaney, Rt. Hn. Col. W.

Law, Andrew Bonar (Dulwich)
Lee, Arthur H. (Hants., Fareham)
Liddell, Henry
Meysey-Thompson, E. C.
Rawlinson, John Frederick Peel
Ridsdale, E. A.
Rutherford, W. W. (Liverpool)
Sassoon, Sir Edward Albert
Smith, Abel H. (Hertford, East)
Smith, F. E. (Liverpool, Walton)
Staveley-Hill, Henry (Staff'sh.)

Talbot, Lord E. (Chichester)
Talbot, Rt. Hn. J.G. (Oxf'd Univ.)
Thornton, Percy M.
Valentia, Viscount
Vincent, Col. Sir C. E. Howard

TELLERS FOR THE NOES—
Viscount Castlereagh and
Sir Frederick Banbury.

Lords' Amendment, "In page 1, line 13, after the word 'landlord' to insert the words, 'Provided always that the sum to be awarded as compensation for any improvement shall in no case exceed the capitalised value of such addition to the letting value of such holding as the Court shall determine to be the direct result of such improvement,'" read a second time.

MR. BRYCE, in moving that the House agree with the said Amendment, stated that it really carried out the intention of the Government. He did not think it made any difference to the Bill beyond rendering more explicit what was in the Bill before.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."—
(*Mr. Bryce.*)

MR. CLANCY said he desired to protest against the Amendment on the ground that it was of a limiting and restricting character. He did not think it worth while to take a division upon it.

Question put, and agreed to.

Lords' Amendment, "In page 1, line 20, after the word 'consideration' to insert the words, 'the time during which the tenant may have enjoyed the advantage of the improvement and,'" read a second time.

MR. CHERRY said the Government agreed to this Amendment very reluctantly. They were most unwilling to accept it. They thought it was unnecessary because the landlord was only asked to pay the value of the improvement at the time that he got it, and the Government thought it was not just that the time

during which the tenant had enjoyed the improvement should be twice taken into account. In the first place, it was taken into account in reducing the value of the improvement, and, in the second place, further deduction might be made in respect of the period of time during which the tenant had had the enjoyment of the improvement. If an improvement was worth £500 when it was originally made, and after twenty years it had decreased in value by £200, the Government's view was that the landlord should have to pay £300. The Lords' Amendment had directed the Court to take into account, not only the diminished value of the improvement, but also the time during which the tenant had enjoyed it. They wished, however, to make every concession they could in order to get the Bill passed. They were adhering to the vital points, and they were willing to come to an arrangement on the others.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."—(*Mr Cherry.*)

MR. CLANCY said he entirely disagreed with the action of the Government in this matter. The Amendment diminished the value of the clause, and he did not think any defence could be made of it. It was not only unnecessary, but absolutely unjust. The time during which the improvements had existed would have to be taken into consideration when the Court came to inquire into their age and condition. In addition to that it was now proposed by the Government, in conjunction with the House of Lords, that the time during which the tenant had enjoyed his own property should also be taken into account against him. In his opinion that

meant that the consideration of time would be taken into account twice over. A similar provision was actually inserted in the Land Act of 1870, and it was a remarkable fact that in 1896 the Unionist Government repealed it. It was no longer the law in Ireland when rent was being fixed that the time during which a man had enjoyed his own property should be taken into consideration. The idea of making a man pay for what was his own seemed to him the most absurd thing that could be imagined. In pursuance of the policy which his hon. and learned friend the Member for Waterford had announced the Nationalist Members protested in the strongest possible manner against the Amendment, but they did not intend to divide the House upon it.

MR. BYLES (Salford, N.) expressed agreement with the observations of his hon. friend who had just spoken. He did so as an English Member, who hoped that this Bill would be a precedent for English legislation on the same lines. The only reason given by the Attorney-General for Ireland in asking the House to agree to the Amendment was that the Government wanted to agree as far as possible with the Lords' Amendments. He himself wished to disagree with as many as possible of the Lords' Amendments on this and all other Bills. He would support his hon. friend if he divided the House in opposing the Amendment.

MR. JOHN O'CONNOR (Kildare, N.) said he desired to enforce the protest of his hon. friend against the acceptance of this Amendment. He did not think any protest could be too strong against the surrender in this matter on the part of the Government. He was surprised that the Attorney-General for Ireland had been a party to it.

MR. CHERRY: I did not say that I approved of the Amendment. I entirely disapprove of it. I asked the House to agree to the Amendment only as a concession to the Lords.

MR. JOHN O'CONNOR said that the people of Ireland must be subjected to injustice in order that concessions might

Mr. Clancy.

be made to those who sat in another place. That was a wrong principle in legislation. The vicious principle contained in the decision in the case of *Adams v. Dunseath* had worked evil since 1881. The principle had been denounced by those who were party to the judgment, but that very principle was applied in this Amendment. The hon. Baronet the Member for the City of London had stated that this Bill would be made the basis of further legislation. He might inform the hon. Member that when the Land Act of 1881 was introduced the Irish Members declared that it was insufficient. All the Land Acts which had been passed since then were due to the fact that the representations of the Irish Members were entirely disregarded by this House. Now the House was asked to follow that bad example. The value of house property in the towns and villages of Ireland was largely due to the industry and spirit of the occupiers, but he deplored the fact there had not been that extension of buildings which could have been desired. That was the reason why these tenants ought to be compensated and the Bill ought to be made retrospective. He repeated the protest of his hon. friend and thought that the surrender of the Government on the point could not be condemned too strongly.

MR. JOHN REDMOND thought there was no denying the fact that the House was engaged in a somewhat ridiculous proceeding with regard to this Amendment. The Government had declared that they entirely disapproved of the Amendment and no doubt the majority of the House disapproved of it, and yet they were pressed to agree to it. That was a ridiculous proceeding from one point of view. At the same time the Government had taken up the position. The Chief Secretary while conceding these Amendments to the Lords had expressed the sanguine hope that the Government would be able to induce them to give way on two important points. He was not able to share the hopes of the Chief Secretary, for he did not believe the Lords would give way. In his opinion, when the Bill went back to the Lords, they would again reject these two important points respecting retrospective action and compensation for disturbance.

He would say, however, that if that were done, neither the Government nor the Irish Party nor the House of Commons would be committed to these particular Amendments. They would be perfectly free to face these points in the next measure brought before Parliament, and the Government would, on their own declaration, be bound in the future to stand by what they thought right. That being so, as a mere question of tactics he had no objection to the course suggested by the Government. But it must be on the clear understanding that he and his Party had registered their entire disapproval of the Lords' Amendments. The House of Commons was consenting to pay blackmail, but if it were found that that was no use, they would be exempt in future from any responsibility for the principle of this and other Amendments. He wished the Government clearly to understand that he and his friends expected them to stand by the important points in the House of Lords and not to give way any further in the smallest degree. They had gone to the fullest length they could, and he should regard it as a breach of faith if the Government in the House of Lords make any further concessions whatever.

MR. BRYCE said that most assuredly the Government were not committed to any approval of this Amendment. On the contrary they wholly objected to it. They thought it entirely wrong, and if there was any legislation next year on this question they would not be committed to accept the Amendment or the principle of it. But they continued to hope that the House of Lords would listen to words of reason and justice on this matter, and he wanted to give them a last chance to reconsider their position.

Question put, and agreed to.

Lords' Amendments, "In page 2, lines 6 and 7, leave out the words 'made either before or after the passing of this Act'; in lines 13 and 14 leave out the words 'whether before or after the passing of this Act'; and lines 17 and 18 leave out the words 'whether before or after the passing of this Act,'" read a second time.

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MR. BRYCE proposed that the House should disagree to these three Amendments as they were all consequential on the rejection by the House of the first Amendment.

Motion made, and Question, "That this House doth disagree with the Lords in the said Amendments," put, and agreed to.

Lords' Amendment, "In page 2, line 19, after the word 'consideration,' to insert the words 'including a building lease,'" read a second time, and agreed to.

Lords' Amendment, "In page 2, lines 20 to 23, to leave out sub-section (5)," read a second time.

MR. BRYCE said he might explain to the House that this Amendment was agreed to in this House because at that time they had made the clause retrospective in its action. But after the action of the Lords in regard to that matter they must disagree now with the Lords' Amendment.

Motion made, and Question, "That this House doth disagree with the Lords in the said Amendment," put, and agreed to.

Consequential Lords' Amendments to the Amendment, in page 2, line 27, disagreed to.

Lords' Amendment, "In page 2, line 27, to leave out the word 'or' and insert the word 'and,'" the next Amendment, read a second time, and agreed to.

Consequential Lords' Amendments to the Amendment, in page 3, line 13, agreed to.

Lords' Amendment, "In page 3, line 13, to leave out the words 'made after the passing of this Act,'" the next Amendment, read a second time, and disagreed to.

Lords' Amendment, "In page 4, line 7, to leave out from the beginning of the clause to the word 'in' in line 16, and insert the words '(1) Where the landlord without good and sufficient cause, terminates or refuses to grant a renewal of the tenancy, or it is proved that an increase

of rent is demanded from the tenant as the result of improvements which have been effected at the cost of such tenant, and for which he has not, either directly or indirectly, received an equivalent from the landlord, and such demand results in the tenant quitting the holding, the tenant upon quitting the holding shall, in addition to the compensation (if any) to which he may be entitled in respect of improvements, and notwithstanding any agreement to the contrary, be entitled to compensation for the loss of goodwill and the expense which, by reason of his quitting the holding, he sustains or incurs upon or in connection with the removal of his goods, implements, produce, or stock: Provided that such compensation shall in no case exceed three years rent of the holding," read a second time.

MR. CHERRY moved that the House agree with the Lords' Amendment except in regard to the last provision, viz., "provided that such compensation shall in no case exceed three years rent of the holding." He explained that in the Bill as originally introduced the clause provided for compensation for disturbance on a scale based upon the tenant's rent. The Government on the Second Reading expressed approval of that clause, but modified it so as to make the compensation payable for capricious or unjust disturbance. On his Motion a clause was introduced in Committee giving compensation in all cases where the landlord unreasonably and without good and sufficient cause disturbed or refused to grant a renewal of the tenancy, but it was then considered unwise to lay down any rule whereby the amount of the compensation should be fixed. The Government came to the conclusion that it would be impossible to do so. It was absolutely impossible to think of any principle that would apply to all cases. It was therefore left to the discretion of the Court that had to adjudicate the claim to say in any particular circumstances what amount the tenant ought to receive. That was the effect of the clause when it left the House of Commons. The House of Lords rejected that clause, however, and inserted a new clause. Although the Government preferred their own

clause they were anxious to concede to the Lords as much as possible so long as the vital principles of the Bill were preserved. Therefore they agreed to the Amendment with the omission he had indicated. The rent of the holding could in no way be the measure of the amount of compensation to be paid. The rent might be high and the compensation low and *vice versa*. A house might be used for business purposes and be rented at £100, and in the event of the landlord turning the tenant out that tenant might be able to get suitable premises quite close and thus his business be uninjured. In that case the only claim he could justly make would be for the cost of the removal. Obviously three times the rent, viz., £300, would be an entirely excessive amount. On the other hand a plot of land might be rented at £1 and the tenant might put up a valuable erection on that plot and establish a business. If the landlord turned him out nobody could say that three times the rent, or £3, would be the measure of the compensation that should be paid the tenant. The business might have been bringing in four or five hundred pounds a year, which might all be lost through the removal. It was quite obvious that the measure of compensation for disturbance must be assessed on the value of the good-will as well as on other considerations. Yet in the case he had put, under the clause as amended by the other House the total amount of compensation would be £3. It was obvious that the measure of compensation ought to be the value of the improvement, and it ought to be left to the Court to determine the amount.

Amendment proposed to the Lords' Amendment—

"To leave out the words 'Provided that such compensation shall in no case exceed three year rent of the holding.'"—(*Mr. Cherry.*)

Question "That the words proposed to be left out stand part of the Lords' Amendment," put, and negatived.

Lords' Amendment, as amended, agreed to.

Lords' Amendment, "In page 4, to leave out lines 17, 18 and 19 and insert "any

matter under this section," read a second time, and agreed to.

Lords Amendment "in page 4, line 23, to leave out 'partly for business purposes,' and insert 'to a substantial extent for trade or business purposes, and which are held (a) under tenancies from year to year created after the passing of this Act, or (b) under leases made after the passing of this Act for terms of less than thirty-one years, or for a life or lives, or (c) under contracts of tenancy existing at the passing of this Act where the rent of the holding is under one hundred pounds per annum,'" read a second time.

MR. CHERRY moved that the House should agree with the Lords in the Amendment. Although it looked rather formidable on the Paper, its only effect was to exclude from the operation of the Bill leases made for more than thirty-one years. The Government thought that that was a reasonable proposal.

Motion made, and Question proposed, "That this House doth agree with the Lords in the said Amendment."—(Mr. Cherry.)

MR. CLANCY said this was another of those Amendments which had an unduly restrictive effect.

Lords Amendment, "in page 5, line 4, leave out 'whether before or,'" the next Amendment, read a second time, and disagreed to.

Lords Amendment, "in page 5, line 12, to leave out 'except where otherwise expressly provided,'" read a second time.

MR. BRYCE said the Amendment was a drafting one, and he thought they should agree to it.

Motion made, Question "That the House doth agree with the Lords in the said Amendment," put, and agreed to.

Lords Amendments, "in page 5, line 26, after the word 'Act' to insert the words '(3) Any rules under this section shall be made after consultation with, or notice of consultation sent to, the President of the Incorporated Law Society of Ireland,'" "in lines 27 to 32, to leave out

sub-section (3)"; read a second time and agreed to.

¶ Lords Amendment—

"In page 5, after Clause 10 insert Clause A. "A. (1)—Any person aggrieved by any determination of the county court under this Act may appeal either—(a) to the judge of Assize or a judge of the High Court, as the case may be, in accordance with the provisions of the County Courts (Ireland) Acts, 1851 to 1889, relating to appeals in the case of ordinary civil bills; or (b) to the Court of Appeal in accordance with rules of the Supreme Court: Provided that if in any proceedings appeals are taken both to the judge of Assize or a judge of the High Court and to the Court of Appeal, the appeals shall be heard together by such judge, and a further appeal may be taken from his determination to the Court of Appeal in accordance with rules of the Supreme Court,"—read a second time.

MR. BRYCE said that this Amendment might involve some questions of difficulty, but there was something to be said for it, and he suggested that they should agree with it.

Motion made, and Question proposed, "That the House doth agree with the Lords in the said Amendment."—(Mr. Bryce.)

MR. JOHN REDMOND said they were placed in a very peculiar position by this proposal. It was thought by some of his hon. friends that the appeal should be to a judge of Assize, but on consideration, it was considered better to have the appeals to the Court of Appeal, and that view was adopted by the Government. Even on those Benches however, there was difference of opinion, as some thought the tribunal should be the Court of Appeal, and the others thought the best tribunal was the judge of Assize. This proposal of the House of Lords was to provide an alternative proposal, and gave an appeal either to one or the other. He did not under those circumstances see how they could get out of the double appeal. He thought the House of Lords would have done better to have left the provision as they had settled it.

Question put, and agreed to.

Lords Amendment, "in page 6, after Clause 11, to insert Clauses B, C, and D:—B. Capital money arising under the Settled Land Act, 1882, may be applied

in payment of any moneys expended and costs incurred by a landlord under, or in pursuance of this Act in or about the execution of any improvement, as for an improvement authorised by the said Settled Land Act; and such money may also be applied in discharge of any charge created on a holding under or in pursuance of this Act in respect of any such improvement as aforesaid, as in discharge of an incumbrance authorised by the said Settled Land Act to be discharged out of such capital money. C. Where the landlord is a person entitled to receive the rents and profits of any holding as trustee, or in any character otherwise than for his own benefit, the amount due from such landlord in respect of compensation under this Act shall be charged and recovered as follows, and not otherwise (that is to say)—(1) The amount so due shall not be recoverable personally against such landlord, nor shall he be under any liability to pay such amount, but the same shall be a charge on and recoverable against the holding only; (2) Such landlord shall, either before or after having paid to the tenant the amount due to him, be entitled to obtain from the County Court a charge on the holding to the amount of the sum required to be paid or which has been paid, as the case may be, to the tenant. (3) If such landlord neglect, or fail within one month after the tenant has quitted his holding, to pay to the tenant the amount due to him, then after the expiration of such one month the tenant shall be entitled to obtain from the County Court in favour of himself, his executors, administrators, and assigns, a charge on the holding to the amount of the sum due to him, and of all costs properly incurred by him in obtaining the charge or in raising the amount due thereunder. (4) The Court shall, on proof of the tenant's title to have a charge made in his favour, make an order charging the holding with payment of the amount of the charge, including costs, in like manner and form as in case of a charge which a landlord is entitled to obtain. D. Any company now or hereafter incorporated by Parliament and having power to advance money for the improvement of land, may take an assignment of any charge made by a County Court under the provisions of this Act, upon such terms and conditions as may be agreed upon between such com-

pany and the person entitled to such charge; and such company may assign any charge so acquired by them to any person or persons whomsoever,—read a second time.

MR. BRYCE said that this clause merely contained the machinery to enable some expenditure which might arise under the Act to be met. It did not, however, affect any principle, and he moved that they should agree with the Lords.

Motion made, and Question proposed, “That this House doth agree with the Lords in the said Amendment.”—(*Mr. Bryce.*)

MR. CLANCY said it was difficult to estimate the effect of a clause like this on reading it for the first time. But he had no concern with it as it affected the landlords' interests, and it was for the landlords to take care of themselves. He would like to ask whether he was right in thinking that the provision was for the recovery of compensation only in the case of a landlord who was a trustee or a limited owner.

MR. CHERRY said he understood that if a landlord was a trustee or a limited owner, the tenant was entitled to recover compensation in the same way as if he were a freeholder. It really was to assist the tenant.

MR. JOHN REDMOND asked if the clause was merely to provide how the money was to be paid in the case of settled estates and did not concern the interest of the tenants.

MR. CHERRY: That is so.

Question put, and agreed to.

Lords Amendment, “In page 6, lines 4 and 5, to leave out the words ‘clubs for social and athletic purposes’”; read a second time.

MR. BRYCE said he regretted the Amendment, but he supposed they must agree.

Motion made and Question “That this House doth agree with the Lords in the said Amendment,” put, and agreed to.

Lords Amendment, "In page 6, line 5, after the word 'building,' to insert the words, 'situate in urban districts, towns, or villages and'"; read a second time.

MR. CHERRY moved that the House should agree with the Lords in this Amendment, but said he did so unwillingly, as he had done in previous cases. The Amendment would, however, affect but a small number of cases. If a blacksmith or other person put up a small shop away from a town or village he was excluded. As the cases were very few in number, however, they thought it best to accept the Amendment. As originally moved it applied the Act only to cities and towns, but they endeavoured in the Lords to extend it by including villages.

Motion made and Question proposed, "That this House do agree with the Lords in the said Amendment.—(*Mr. Cherry.*)

MR. CLANCY thought the clause was open to objection from every point of view, especially in view of the fact that it would lead to perpetual litigation upon the question of what was a town and what was a village. The cases which were excluded seemed to him very hard ones indeed.

MR. BRYCE said that if it was any satisfaction to the hon. and learned Member, he regretted the Amendment as much as he did, but he was afraid they were under the hard necessity of accepting it. He believed, however, that there were very few collections of houses which would be excluded. In a book which he had a village was described as a collection of houses in a rural district sufficient to constitute a hamlet, and thus hamlet was made equivalent to a village. Therefore very few houses would be sufficient to constitute a village, and any injustice which would be done would not be very large. He had no alternative, however, but to accept the Amendment.

Question put, and agreed to.

Motion made, and Question proposed, "That a Committee be appointed to draw

up reasons to be assigned to the Lords for disagreeing to certain of their Amendments to the Bill."—(*Mr. Bryce.*)

MR. JOHN REDMOND said before this Bill left the House he desired to say a few words upon it. They had realised that afternoon that they had been occupying a somewhat ridiculous position. They had reserved their opinion upon a number of these points in order to facilitate the action of the Chief Secretary in attempting to persuade the House of Lords to reconsider some of their Amendments. He and his hon. friends were now going away to Ireland, and he wished the Government clearly to understand that they expected them to insist upon these important points in the House of Lords and not to give way further, even in the smallest particular. They had gone as far as they could, and he should regard it as a breach of faith if the right hon. Gentleman made any further concession to the House of Lords.

Committee nominated of Mr. Attorney-General for Ireland, Mr. Bryce, Mr. Clancy, Mr. John O'Connor, and Mr. Whiteley.

Three to be the quorum.

To withdraw immediately.—(*Mr. Bryce.*)

Motion put, and agreed to.

PUBLIC TRUSTEE BILL [LORDS].
Considered in Committee.

(In the Committee):

[*Mr. EMMOTT (Oldham)* in the Chair.]

Clause 10:—

Amendment proposed—

"In page 8, line 35, after the word 'omission,' to insert the words 'or decision.'"—(*Mr. Marnham.*)

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11 :—

Amendments proposed—

"In page 9, line 5, after the word 'Act' to insert the words 'under this Act.'"

"In page 9, line 8, after the word 'brokers,' to insert the words, 'or other persons.'"—(*Sir John Walton.*)

"In page 9, line 10, after the word 'to,' to insert the words 'the interests of the trust, but subject to this shall, whenever practicable, take into consideration.'"—(*Mr. Harwood-Banner.*)

Amendments agreed to.

Amendment proposed—

"In page 9, line 19, after the word 'do' to insert the words, 'Provided that nothing in this Act, or in any rule made under this Act, shall confer upon any person not otherwise entitled thereto any right to appear, or act, or be heard in or before any Court or tribunal on behalf or instead of the public trustee, or to do any other act whatsoever on behalf or on the instructions of the public trustee which could otherwise only be lawfully done by a barrister or a duly certificated solicitor.'"—(*Mr. Marnham.*)

SIR JOHN WALTON said this clause was in the Bill as originally drafted, and he did not know why it was omitted. He had given the best consideration he could to it, and he accepted the Amendment.

Amendment agreed to.

*MR. BERTRAM (Hertfordshire, Hitchin) said he desired in line 20 to omit all the words from "where" down to the word "but" in line 24 and to substitute other words. He thought the clause as it stood was meaningless. His object was to prevent the Court when granting administration from insisting on a trustee entering into a bond or providing sureties. He moved to insert "no bond, surety or other security shall be required from the public trustee by the Probate Division of the High Court of Justice or any district registry as a condition of any grant of administration to him, but he shall be subject to the same liabilities as a person who had entered into such bond, etc." He did not desire to press the Amendment, but he thought it was necessary to make clear the meaning of the clause.

SIR JOHN WALTON said that if his hon. friend would withdraw the Amendment he would consider the matter between this and Report. At present he thought the suggested words would be an improvement to the clause.

Amendment, by leave, withdrawn.

*MR. BERTRAM said his next Amendment was to leave out in sub-section (5) from the word "and" to the end of the sub-section. It appeared to him very desirable in the case of a public trustee to guard against fraud in his own office. He would be compelled to delegate his powers to a very great extent, and the chief protection upon which he could rely was that given by the provision of the Forged Transfers Act, which provided that before any deed of transfer could be registered notice in writing must be given to the holder of the stock at his registered address. In the case of a public trustee he ought to receive such notice at his private address, and he would know of any fraud that was being perpetrated in his own office. Otherwise if he had a fraudulent clerk and the notice was sent to his official address, the person who forged the transfer would have an opportunity of opening the letter, and the fraud might not come to the knowledge of the public trustee until too late. He moved.

Amendment proposed—

"In page 9, line 27, to leave out from the word 'and,' to the end of the sub-section.'"—(*Mr. Bertram.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

SIR JOHN WALTON said he would consider the matter before the Report stage.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 9, line 30, at end to add the words, 'and no person dealing with the public trustee either alone or jointly with any other trustee or person on any transfer of mortgage or reconveyance or other dealing with mortgaged property shall be affected with notice of a trust.'"—(*Mr. Mickleth.*)

Question proposed, "That those words be there inserted."

SIR JOHN WALTON thought there was a point in the Amendment which ought to be provided for, but suggested that the hon. Gentleman should accept the words he proposed to meet the point.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 9, line 30, at end, to add the words, 'and in dealing with property the fact that the persons or one of the persons dealt with is a public trustee shall not of itself constitute notice of a trust.'—(*Sir John Walton.*)

Question, "That those words be there inserted," put, and agreed to.

Clause 11, as amended, agreed to.

Clause 12 agreed to.

Clause 13:—

MR. HARMOOD-BANNER (Liverpool, Everton) moved an Amendment to provide a more rapid and serviceable way of dealing with the judicial trustee. He said he was glad that the Government were amending the Judicial Trustee Act, 1896, which had not been used to the extent it ought to be. If it had he did not think they would have needed this Bill. However, the Government were proposing to improve it by this clause, and he was now suggesting a further improvement. He wished to add the words "or such person as may be nominated by such person or persons to act as judicial trustee on their behalf, unless the Court otherwise order." Under the present Judicial Trustee Act there was power to apply to the Court for the appointment of a judicial trustee but his Amendment would enable the proper persons at once to make the appointment without the delay consequent on application to the Court, and it provided against any improper action by the words "unless the Court otherwise order." Besides being a more rapid and serviceable method of dealing with the judicial trustee it would make the Act more appreciated.

Amendment proposed—

"In page 10, line 10, after the word 'granted,' to insert the words, 'or such person

as may be nominated by such person or persons to act as judicial trustee on their behalf unless the Court otherwise order.'—(*Mr. Harwood-Banner.*)

Question proposed, "That those words be there inserted."

*SIR JOHN WALTON said the Amendment had substantial ground to recommend it. In certain cases no doubt it would be desirable that the executors or administrators who might have been appointed and were unwilling to act should have a voice in the selection of the person into whose hands they were prepared to entrust the management of the estate, and who might be constituted a judicial trustee under the Act of 1896. The difficulty was that the Amendment threw the burden of objection upon the beneficiary, whereas as the matter stood now in the ordinary case the person nominated would apply to the Court to constitute him a judicial trustee. Although there was something to be said for the hon. Member's suggestion he thought on the whole it would be unwise to accept the Amendment, as it would interfere with the machinery of the Judicial Trustee Act.

MR. WILLIAM RUTHERFORD said he had an Amendment later on to leave out the whole of this section, because it was a very good illustration of the difficulty in an Act like this of dealing with the complicated position set up in the Judicial Trustee Act of 1896. The proper way to amend the Act was by a Bill exclusively devoted to the purpose. The Amendment under discussion was not on the Paper, and it was exceedingly difficult to understand it. From what he could see he thought it would be likely to get out of some of the difficulties which at present hampered the public in availing themselves of the facilities of the Judicial Trustee Act, 1896, but without the words before him it was difficult to form a conclusive opinion.

MR. HARMOOD-BANNER asked leave to withdraw the Amendment.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 10, line 18, to leave out sub-section (3).—(*Mr. William Rutherford.*)

Amendment agreed to.

Motion made, and Question proposed,
"That the clause stand part of the Bill."

MR. WILLIAM RUTHERFORD moved the rejection of Clause 13 for the reason he had already given, namely, that the Judicial Trustee Act of 1896 required amending and ought to be dealt with separately. Any lawyer who had had experience of that Act and its application or who had studied the cases which had gone to the Court of Appeal upon its construction would at once see the great complication and difficulty which was likely to arise. If the Judicial Trustee Act of 1896 was to be amended at all it was one of those technical and difficult matters which ought to be dealt with in a separate Bill. Section 13 of this Bill was a wholly inadequate attempt to deal with the position which had arisen under that Act. He appealed to the Attorney-General to leave out the clause. The Bill was to establish a public trustee, but this particular clause had nothing to do with the public trustee, and was merely an attempt to patch up and improve the Judicial Trustee Act of 1896. That Act had been before the Court, and it had been held that it was an injudicious thing to appoint a judicial trustee with an ordinary trustee. There was a general opinion that the Act was not what it ought to be, and in a number of cases the appointment of judicial trustees had been refused. Any attempt to patchwork the Judicial Trustee Act in this way was bound to create further complication and confusion. Those who, having gone into the question closely, were in a position to make suggestions to amend the Act, could not do so upon a proposition of this kind, and he hoped therefore that the Government would see their way to leave the clause out altogether.

MR. MICKLEM, in supporting the omission of the clause, said it was manifest that whoever framed this particular clause was not very well acquainted with the practice of the Chancery and the Probate divisions of the High Court. The two Courts seemed to have been hopelessly mixed up in the drafting, and an attempt

was being made to extend the Judicial Trustee Act of 1896 to the Probate Court. The Judges had almost unanimously refused to enforce the Judicial Trustee Act, and if the Government wished to amend that Act it should be done by a separate Bill.

*SIR JOHN WALTON said he found considerable difficulty in dealing with this clause. Sub-section (3) had already been struck out, and he had come to the conclusion that this was a foreign element in the Bill. He did not think the Bill in its original scope intended to deal with the Judicial Trustee Act, nor was he of opinion that this clause effected such a reform in that Act as was necessary to make it an effective working measure. He did not think this clause had been inappropriately described as a piece of patchwork. Any attempt to deal with the Judicial Trustee Act should form a separate measure. It was obvious that the clause as it stood would be of very little use and would need a considerable amount of amending to make it operative. He thought therefore that the section had better be left out. For these reasons he accepted the Amendment.

MR. WILLIAM RUTHERFORD said if this clause had remained it would have been necessary to put down four or five very difficult and complicated Amendments on Report.

Question put, and negatived.

Clause 14 :—

Amendment agreed to.

MR. HARMOOD-BANNER moved an Amendment providing for the regulation of the fees to be charged under the Act. He thought it was very important that the public should know that there was a regulation of fees by a public authority. He was a member of a profession which would probably benefit by the Act, and he did not wish it to go forth to the public that the fees to be charged were not liable to taxation as any other fees of solicitors and accountants were.

Amendment proposed—

"In page 10, line 26, after the word 'Act,' to insert the words, 'and the regulations as to fees to be taken under this Act.'"—(*Mr. Harwood-Banner.*)

Question proposed, "That those words be there inserted."

SIR JOHN WALTON said the suggestion of the hon. Member was a valuable one, and he would accept it. But he thought the proper place to insert the provision was in sub-section (5), and when they came to it he would ask the Committee to insert words providing that the remuneration of the auditor and the other expenses of the investigation and audit "shall be such as are prescribed by rules under this Act."

MR. HARMOOD-BANNER asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

*MR. J. M. HENDERSON (Aberdeenshire, W.)—moved an Amendment to the effect that the condition and account of every trust should be investigated and audited once a year. The object of the Amendment was to carry out more effectively the intention with which the Bill was framed, that intention, to quote the words of the hon. and gallant Member for the Central Division of Sheffield, being to prevent the breaches of trust which had been constantly occurring. Some attempts had been made somewhat to minimise the evil which this Bill was intended to remedy. The Report of the Committee which had inquired into the subject could not be accepted as conclusive. That Committee had before them only such breaches of trust as came before the public, but, as a matter of fact, for every breach of trust which came before the public, there were ten suffered in silence. So far as trusts to be created in future were dealt with by the public trustee, he agreed that there would be absolute security for the trust funds. But there were at the present moment thousands of trusts which would continue to be administered by private trustees just as before. Further, there would be trusts created in future with private trustees, and this

Bill provided no proper protection for the trust funds of estates where the public trustee was not, and could not, be appointed. Beneficiaries had had the right for about a hundred years to get an account, and according to the judgment of the Court in 1819 in the case of *Pearce v. Green* it was the first duty "of every trustee, receiver, or executor, to be constantly ready with his account." The trouble which had arisen in these matters was because the beneficiaries would not avail themselves of the rights they had. This clause would perpetuate the evil. If beneficiaries had exercised their right to ask the trustees for an account, there would not have been one-tenth of the defalcations which had occurred. There were in many cases social circumstances which made beneficiaries hesitate to avail themselves of the rights which they possessed. If they had not availed themselves of the right in the past, what reason was there to believe that they would demand an investigation in future? Hon. Members knew that they would not, and Parliament ought to protect them. Beneficiaries were generally widows and children; a widow was not accustomed to business, and if the trustee was her own brother, brother-in-law, uncle, or father-in-law, she would not take the risk of offending him by asking for an account. It this Amendment were adopted, there would be no trouble at all, because there would be no occasion for any feeling between the parties. A widow in the circumstances which he had described would be able to see the accounts and be satisfied without going to the trustee. Commercial companies of every kind, friendly societies, trades unions, and clubs, had periodical audits of their accounts, and why should not a private trustee render an account in the way proposed? One alleged ground of objection was the expense in the case of small estates. In the case of an estate with an income of £50 the number of securities to be examined and entries to be inspected would not take more than half an hour of the time of a man accustomed to business. The expense of a compulsory audit might amount to half a guinea, and need not be more than one per cent. of the income of the trust. No estate was so poor that the beneficiaries could not get some friend

to do this necessary work, or afford an audit paid for on the scale of one per cent. The next objection to his Amendment was that private trustees would never stand it. His answer to that was that they would be glad to do it and very many did it now. In Scotland it it was almost a universal practice, and he was glad to see that it was becoming more and more the practice in England. Every man who became a trustee would obtain great comfort and protection from his proposal. Many trustees were plagued and pestered by life-renters to commit some little breach of trust so that they might obtain a little more income out of the trust funds, and the trustee, who might be a very good natured man, out of the goodness of his heart would not refuse, but grant it. But if the trustee had an auditor behind him he would say to the life-renter who made the application that he could not do it, and that answer would be accepted without further remark. The only man that he could understand who would object to his Amendment was really the honest trustee who had hopelessly mixed up the trust funds with his own affairs and got the whole into a muddle. But he must have to give an account of the trust funds some day, and why should he put it off? If he were compelled by an annual audit to submit the accounts of the trust funds to an auditor he would be all the happier and more comfortable. They were bound to come to an official audit some time. It appeared extraordinary to him that this kind of legislation, which corresponded to the commonsense view of the public, was so long delayed in Parliament. For instance, the great Companies Act of 1862 made no provision for an auditor. Then came the failure of the City of Glasgow Bank in 1879, when a provision was made in an Act of Parliament for a bank audit. Then after thirty-eight years there was the Act of 1900 which directed that every limited liability company must have an auditor. But to this day there was not a single obligation on any company to put a balance sheet before the general meeting of the company, although it was the usual thing to do so. That showed that the common sense of the public had outrun legislation. He was assured that if his Amendment were adopted, men who accepted the position of trustees would

find themselves easier in mind and more willing to act. He knew that there were some good-natured friends who said that because he was connected with the profession which might incidentally be affected, in moving this Amendment he had an axe to grind—[Cries of "No, no, no."]—but he could assert that he would not move a step across the House for all the fees that were likely to come to him as the result of his Amendment if carried. It was only from his intimate experience of thirty years that he had seen the necessity for this legislation. He appealed to the House and the Government to take courage in both hands and to adopt the Amendment which would bring legislation to a level with common sense and public opinion, and ensure that trust funds would be secured in a way they had never been before.

Amendment proposed—

"In page 10, line 30, after the word 'audited' to insert the words 'once a year.'" (*Mr. J. M. Henderson.*)

MR. HILLS (Durham) thought the Amendment would do a great deal of harm because it went much too far. These trusts were of all kinds. They might be trusts of land or of stocks, and he did not think a rigid system of this kind ought to be applied to all trusts. Certain trusts accounts should be audited every year or oftener, but in other cases a yearly audit would be much too frequent. He thought the majority of large trusts had an annual audit already, and this section gave a large power to the beneficiary who thought things were not going as they ought to do, by enabling him through very easy and simple machinery to get an audit. He thought that in an experimental Bill this section went far enough. In the future they might come to some kind of compulsory audit, but if they persisted in inserting this Amendment now he thought they would wreck the Bill.

MR. WILLIAM RUTHERFORD said he differed with very great reluctance from his hon. friend. After a quarter of a century's experience of trusts, large and small, he had come to the conclusion that a compulsory annual audit was required. Unfortunately a large number of cases of frauds

in connection with trusts had come before the public of late, but there was a still larger number which had never seen the light of day. Those frauds had generally arisen where the trustees had the trust monies in their hands for years, where no accounts were kept, and where the trustees were tempted to use the trust funds for the purposes of speculation or for their own business. In such cases, matters went from bad to worse, of course. He believed that it would be the greatest boon to trustees in this country, of whom there were so many, to have the safeguard of an annual audit of their trust accounts. That would mean that accounts would have to be kept properly, both of the principal and of the income; secondly, that the accounts would be kept up to date; and thirdly, that the beneficiaries would be able to get a statement once a year at any rate, showing what the trust estate consisted of. If this Amendment were adopted, it seemed to him that it would enable an ordinary man to accept a trusteeship when asked by a friend to do so. The clause simply put into language the rights that beneficiaries already had. Every beneficiary to-day had a right to apply and insist upon the accounts being audited by the registrar of the Court. The next thing that struck him about this clause was that instead of making it compulsory to audit the accounts, the applicant had to apply to the Court to order that the accounts should be audited. He felt bound to say that there was hardly a trust in England in regard to which, if the beneficiary had to apply to the Court for an audit, it would not lead to a rupture of the pleasant relations which had hitherto existed between the trustee and the beneficiary. He hoped therefore that the Government would see their way to adopt the Amendment, and by so doing effect the greatest reform in the management of trusts that had ever been made. It would reduce to a minimum the chances of thieving. It would enable beneficiaries without offending their trustees to see exactly how they stood in regard to the trustee funds; in fact there was hardly a point of view in regard to the management of trusts, whether it was that of the beneficiary, the trustee, or the professional

man interested, from which this Amendment would not be an improvement. The only objection he had heard to the Amendment was the expense. The trouble was nothing, because there ought to be no trouble at all. The accounts ought to be properly kept so that they could be audited. As to the expense, if the Committee looked at the words of the section itself they would find that there was power to get this audit done in the event of its not being done by the public trustee or some official appointed by him, and he supposed that the Government were going to indicate some maximum amount. He had not the slightest doubt whatever, speaking from a very extensive experience in this matter, that the Amendment would do immense good, and there was not a single practical ground of objection against its acceptance.

SIR E. CARSON (Dublin University) hoped the Attorney-General would not accept the Amendment, because if he did it would imperil the Bill. How many trusts to which this Bill applied were there in this country? Nobody knew. If they were going to set up machinery for a compulsory audit they must also set up machinery for in some way or other registering all existing trusts and every trust which came into existence in the future. After that would come the compulsory audit, and how many auditors did they think they would want? They would have to set up hundreds of thousands of auditors all over the country. The truth was they were raising an entirely new question—a question quite alien to this Bill. He was not sorry that the question had been raised, however, because an hon. Gentleman had remarked that if a beneficiary asked for an audit the trustee was likely to be offended. [AN HON. MEMBER: Some of them are now.] Well, there was one thing they knew. The trustee appointed under this Bill would not be offended, and he thought the very best advertisement that could be given to the Bill was that in the case of trusts under it they would have that compulsory audit which was admitted to be of the greatest possible advantage.

*SIR JOHN WALTON said he viewed the proposal of his hon. friend the Member for Aberdeen with some sympathy. His hon. friend's experience in these matters had been extensive, and he had shown an immense amount of practical knowledge of the subject, and possibly the object which he had in view might be attained when this clause had been in operation sufficiently long to enable them to obtain experience of its working. He would point out, however, that the proposal of his hon. friend was a very large one. He suggested the adoption of a scheme of audit which would be applied to every estate whether large or small, whether it needed an annual audit or not, and whether or not the parties desired it. As he understood the proposal, his hon. friend desired an automatic audit of every trust of every size, whether the trust was constituted by an instrument made with that object alone, or was created under an instrument which had some other object. Such a proposal was exceedingly drastic and wide. The House had never discussed it. It had never been discussed by the profession, or by those who in the last twenty years had been interested in framing this legislation. He concurred in the observation of the right hon. Gentleman the Member for Dublin University that to try to bring it into existence at this period of the Bill would be to imperil the passing of the measure. He was sure his hon. friend did not wish that the Bill should be imperilled. He would point out that the present clause went a long way to meet the hon. Member. He thought they were making a substantial step towards the goal which they might ultimately reach after they had had experience of the working of this clause. The Bill as it stood would give the beneficiary, or any one trustee, the right to have the accounts of the estate audited. That in itself was a very important provision. He could not conceive a trustee refusing to accept a trust because he would have to submit to an audit of the accounts. The proposed trustee would rather say he would accept the trust, provided the accounts were audited. It would tend to relieve him from liability to have a compulsory audit taken annually. Under the clause they had a

very far-reaching scheme for the audit of trust accounts, but the universal application of a yearly audit would, if provided for, be outside the practical scope of this measure. He did not think the Committee would be wise to go outside that range and accept a proposal which might be adopted two or three years hence but which, if inserted at this stage, would imperil the measure.

MR. EUGENE WASON (Clackmannan and Kinross) said he had very much sympathy with his hon. friend in his endeavour to get a compulsory yearly audit, but he was afraid that if he persisted in his Amendment and carried it, it would wreck the Bill, which was a better measure than anything they had had up to the present and which might be made better still in time. He agreed that it would be an enormous relief to trustees if they could get a compulsory audit, but having regard to the impracticability of getting such a clause in this promising Bill, he appealed to his hon. friend to withdraw the Amendment.

*MR. RADFORD (Islington, E.) said he had listened to the arguments of the hon. and learned Attorney-General and had not been moved by them. They were arguments that could be used against any new proposals, and were the kind of arguments always used by Ministers who did not agree with the proposals that were suggested. He was in favour of the Amendment. In this Bill nothing had yet been done to promote the object of the promoters, which was to give security to trust funds. The Bill was purely optional, and no one would suggest that the people of this country would appoint no trustee but the public trustee. The proposal of the hon. Member for West Aberdeenshire did not introduce a new principle in the method of administering their affairs. He had followed the lines of custom and habit of enlightened people who considered their duties, as trustees, to the beneficiaries and considered the responsibility of their own position, and who did, as a matter of fact, have a periodical audit by competent accountants for the satisfaction both of their beneficiaries and of themselves. If the Government pursued that course he

thought they would be taking a wise course, and that it would result in making a law that would be operative. So far nothing had been done except to ensure that a number of gentlemen should receive appointments and salaries. Though trusts were now administered fairly well, the beneficiaries did not know anything of the way in which they were administered, or whether even the primary duties of the trustee were being carried out. He quite agreed that any attempt on the part of a beneficiary to obtain an account from the trustee was likely to lead to quarrels; but if the suggestion embodied in this Amendment was accepted it would make the audit compulsory, and the trustee would not have to refuse the beneficiaries information, and hence there could be no quarrel that kind. It was the air of secrecy with which trusts were conducted that led to negligence, irregularity, and fraud, and it was in order to put a stop to those things that hon. Members were anxious to find a device of some sort. They were indifferent as to whether it was done by a public trustee or in some other way. If a compulsory periodical audit were enforced the result would be to improve the conduct of trustees all round, because while some were dishonest the great majority were merely negligent or stupid. It would be to the benefit of the beneficiaries and the community alike, and it would pull up short those trustees who were negligent or speculative. If a man knew his trust funds were to be audited at a short date by a competent accountant he would think twice before he committed an irregularity or fraud. That would do more to prevent fraud than the appointment of public trustees and a large staff of officials. They were not without some precedent for this legislation. The Bankruptcy Act of 1883, although not in his opinion a good Act, certainly contained one good clause, which enabled the Board of Trade to call upon all trustees of liquidations under the previous Act of 1869 to bring in their accounts. The result of that was in some respects deplorable, because a number of persons who had up to that time held a high position in their profession were found to have

misappropriated trust funds, and there were sad smashes in various directions. If this Amendment were carried it might be that some people interested in trust estates would have a rude awakening in a similar way, but that was not an argument against the Amendment. It was desirable, if a trust fund was being mismanaged or misappropriated, that they should know the worst and the sooner the better. For these reasons he supported the Amendment of his hon. friend.

MR. BERTRAM said hon. Members of this Committee seemed to think there was some magic in the word "shall" and that the insertion of the word in this Bill would, *ipso facto*, produce an audit of all trusts. That was not so. In this Bill there was no machinery to penalise trustees who did not obey the mandate. Supposing a trustee ignored the section what penalty was there. How could this section be put into motion except upon the application of some person who desired the audit? The mere insertion of the word "shall," would not have the effect the hon. Gentleman seemed to suggest of causing a compulsory audit of trust accounts throughout the country. They must remember that there were a large number of trusts in this country in which there were, in practice, no accounts to be audited; such trusts for example as marriage settlements under which the trustees had given directions that the income from the securities should be paid over direct to the tenant for life. There was no machinery in this Bill to enforce penalties, and if the Amendment was incorporated in the Bill it would not be operative.

*MR. R. PEARCE (Staffordshire, Leek) said the words proposed to be left out were "on an application being made." He desired to know whether that application was to be made to the Court or to the public trustee. It seemed to be desirable that there should be some summary method of getting this audit.

*SIR JOHN WALTON said it was not intended to make an application to the Court. It was to be made to the public trustee.

*MR. R. PEARCE said that explanation removed the doubt he had in his mind and made the clause satisfactory. He thought the hon. Member for West Aberdeenshire would, after what had been just said, do wisely if, having made his protest, he did not proceed further.

MR. DUNN (Cornwall, Camborne) said he was in sympathy with the object the hon. Member for West Aberdeenshire had in view, but he certainly saw very great difficulties in carrying it out. The only difficulty with regard to the form of the clause was that unfortunately it required of persons who were probably most unwilling to audit the duty of auditing. If the clause contained words relating to the desire of a testator or settlor in regard to the audit it would certainly be more valuable than in its present form.

MR. J. M. HENDERSON, in asking leave to withdraw the Amendment, said he still felt it would have to come; why not at this opportunity he could not see. He admitted there was protection wherever the public trustee was appointed, but there were thousands of trusts existing now for which this Bill provided absolutely no protection.

Amendment, by leave, withdrawn.

Amendment proposed—

In page 10, line 31, to leave out the word 'applicant,' and to insert the word beneficiaries."—(Mr. J. M. Henderson.)

Question proposed, "That the word 'applicant' stand part of the clause."

*SIR JOHN WALTON thought the word "applicant" ought to remain in the clause.

MR. WILLIAM RUTHERFORD said there was difficulty in accepting any word in lieu of "applicant" in this clause, though the word itself was open to objection. The whole clause as drawn was an astonishingly difficult clause.

Amendment negatived.

Amendments proposed—

"In page 10, line 37, to leave out the word 'entitled,' and insert the words 'appointed under this section.'"

"In page 11, line 3, after the word 'any,' to insert the words 'securities and.'"—(Mr. Micklem.)

Amendments agreed to.

MR. MICKLEM moved an Amendment to save expense by requiring that copies of the accounts need only be sent to trustees who desired them.

Amendment proposed—

"In page 11, line 3, after the word 'trustee,' to insert the words 'who may desire it.'"—(Mr. Micklem.)

Question proposed, "That those words be there inserted."

SIR JOHN WALTON hoped the hon. Gentleman would not press the Amendment. Every trustee, whether he desired it or not, should have a copy of the accounts.

MR. MICKLEM said he would withdraw the Amendment.

Amendment, by leave, withdrawn.

Amendments proposed—

"In page 11, line 11, after the word 'trust,' to insert the words, 'and that he has had the securities of the trust fund investments produced to and verified by him.'"—(Mr. J. M. Henderson.)

"In page 11, line 11, at end, to insert the words, 'or (as the case may be) that such accounts are deficient in such respects as may be specified in such certificate.'"—(Mr. Micklem.)

"In page 11, line 23, after the word 'shall,' to insert the words 'such as may be prescribed by rules under this Act and shall.'"—(Sir John Walton.)

Amendments agreed to.

*MR. RADFORD moved an Amendment to provide that the expenses of the audit should be borne, not as the clause proposed by the applicant, but by the estate. If some such words as these were not

inserted there would be scarcely any applications at all to the public trustee and the whole clause would be inoperative.

Amendment proposed—

"In page 11, line 23, to leave out from the word 'shall,' to end of clause, and to insert the words 'be paid by the trustees out of the income or capital of the trust property, or partly out of one and partly out of the other as may be prescribed.'"—(Mr. Radford.)

Question proposed "That the words proposed to be left out stand part of the clause."

*SIR JOHN WALTON said he was willing so to amend the clause that in the normal case the expenses would fall on the estate, but at the same time giving the public trustee discretion to apportion the expenses between the applicant and the estate.

*MR. J. M. HENDERSON said there was no necessity whatever for bringing in a public trustee unless there was a dispute as to appointment and as to payment.

SIR JOHN WALTON said that as the clause stood it contained the words "if the public trustee otherwise directs." There was nothing which enabled him to deal with the question of expense. The applicant would pay unless the public trustee said he should not pay. He would suggest the words "In the event of the public trustee so directing he may order that such expenses be borne by the estate, or by the trustees personally, or partly by them and partly by the estate."

MR. MICKLEM said that under Section 14 the cost would have to be borne whether the public trustee came in or not. Assuming that the case was properly brought under the section, he thought the expenses ought not to fall upon the applicant. This section would not be brought into operation at all if the applicant had to pay. He thought it was manifest that the cost of the audit ought to be borne by the estate and ought not to be thrown upon the applicant.

*MR. J. M. HENDERSON said he had an Amendment down in the same sense, but the difficulty was that the Attorney-General wanted to throw the whole cost upon the applicant unless the public trustee otherwise directed. He wished to do exactly the opposite.

MR. WILLIAM RUTHERFORD said he was anxious that this Bill should meet every case in the best possible manner. There was a real difficulty with regard to the cost of the investigations of the auditors, and it should not be passed over in a moment. It depended upon who had to bear the cost whether the Act would be availed of or not. As trusts were conducted to-day the trustees kept the accounts, and if any beneficiary wanted a copy he had to pay for it. Without this section the applicant would have to pay the costs. It was now proposed that the costs should be thrown upon the estate, and he thought that would lead to some confusion. Did that mean capital or income? It should not be forgotten that a large number of trusts were fully invested and there was no spare money. These were practical difficulties in the administration of estates.

*MR. RADFORD said the words proposed by the Attorney-General would not give effect to what he desired so well as the words which he himself had moved. He was of opinion that rules made deliberately and at leisure would probably carry out the purpose in view better than words in the Act suggested on the spur of the moment even by so high an authority as the Attorney-General. He hoped the hon. and learned Gentleman would reconsider the matter.

SIR JOHN WALTON said he thought it would be very much better to have words in the Act.

*MR. RADFORD asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

Amendment proposed—

"In page 11, line 24, to leave out the words 'paid by the applicant,' and insert the words

'and in the event of the public trustee so directing, he may order that such expense may be borne by the applicant, or by the trustees personally, or partly by them and partly by the applicant.'—(*J. M. Henderson.*)

Question proposed, "That the words proposed to be left out stand part of the clause."

MR. WILLIAM RUTHERFORD suggested that some words should be inserted to show whether the expense was to be paid out of capital or interest.

Question put, and negatived.

Words proposed there inserted.

Clause 14, as amended, agreed to.

Clause 15 :—

Amendment proposed—

"In page 12, line 15, at end to add, '(f) the classes of corporate bodies entitled to act as custodian trustees; (g) the form and manner in which notices under this Act shall be given.'—(*Mr. Micklem.*)

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16 :—

MR. MICKLEM moved to add words defining the expression "administration of an estate" as meaning "administration of the estate of a deceased person." He thought the words "administration of an estate" were ambiguous and that they might apply to the administration of any trust estate in the lifetime of the person creating the trust. This was merely a drafting Amendment.

Amendment proposed—

"In page 12, line 34, at end, to add, the expression 'administration of an estate' means 'administration of the estate of a deceased person.'—(*Mr. Micklem.*)

Question proposed, "That those words be there inserted."

SIR JOHN WALTON said if this were merely a drafting Amendment he would not take exception to it, but it was capable of being construed in a sense which would make it dangerous. He thought the Amendment was unnecessary.

MR. MICKLEM said he did not think the definition which he proposed to introduce would cut down what was provided for in Clause 3, but it would make clear that the clause was only intended to apply to the trust estates of deceased persons.

SIR JOHN WALTON said he did not accept the view that Clause 3 should be limited to estates of that class.

MR. MICKLEM said it seemed to him to be quite a new provision in the Bill if it was to be made to apply to settlements by persons still surviving. He thought the intention was not to interfere with what a man did during his lifetime.

MR. WILLIAM RUTHERFORD said the words "administration of an estate" occurred in two or three other clauses as well as Clause 3. If the proposed definition were accepted confusion would be created in regard to the other clauses.

Question put, and negatived.

SIR JOHN WALTON said that the object of the next Amendment was only to give the same construction to this Act as to the Act of 1896.

Amendment proposed—

"In page 13, line 3, at the end, to insert the words 'that other expressions have the same meaning as the meaning of the words in the Judicial Trustee Act of 1896.'—(*Sir John Walton.*)

Question, "That those words be there inserted," put, and agreed to.

Clause 16, as amended, agreed to.

Clause 17 agreed to.

*SIR JOHN WALTON moved a new clause to bring the Act into operation from 1st January, 1908.

New clause, "This Act shall come into operation on the first day of January, 1908."—(*Sir John Walton.*)

Brought up, read the first time, and added to the Bill.

SIR JOHN WALTON said he wished to move a financial clause left over from the previous night.

New clause—

"(1) The Consolidated Fund of the United Kingdom shall be liable to make good all sums required to discharge any liability which the Public Trustee, if he were a private trustee would be personally liable to discharge, except where the liability is one to which neither the Public Trustee nor any of his officers has in any way contributed, and which neither he nor any of his officers could by the exercise of reasonable diligence have averted, and in that case the Public Trustee shall not, nor shall the Consolidated Fund, be subject to any liability; (2) All sums payable in pursuance of this section out of the Consolidated Fund shall be charged on and issued out of that fund or the growing produce thereof."—(*Sir John Walton.*)—

Brought up and read the first time and the second time.

MR. MICKLEM said he wished to move to omit the words 'from discharge' to the end of the sub-section. It was quite clear, he maintained, that one of the main objects of the Bill was to put the public trustee in a similar position to a private trustee, and make him liable in the same way as a private trustee, and therefore no exception should be made to the one which did not apply to the other.

Amendment proposed—

"In line 4, of the proposed new clause, to leave out the words 'from discharge' to the end of sub-section."—(*Mr. Micklem.*)

*SIR JOHN WALTON said he regretted that he could not accept the Amendment. The intention of the Bill

was to offer to the public a guarantee in regard to all funds which were placed in the hands of the public officer constituted under its provisions. It was for the public to say whether that guarantee was sufficient to make it worth their while to hand over their funds to him. If they did so they would have the undertaking of the Imperial Government. But the Treasury and the Executive authority did not see their way to give an unqualified guarantee in every case. The reasons were given when the Bill was last before the House by the Chancellor of the Exchequer in the last Parliament, now Lord St. Aldwyn, who made a statement that it would be imprudent to provide for a larger indemnity than was embodied in the clause as it now stood. If the public believed that the security was sufficient, then the Bill would be a success; but if they considered that it was not sufficient, then trusts would be left in the hands of private trustees.

MR. WILLIAM RUTHERFORD said he thought that the hon. and learned Attorney-General was quite right in regard to the maintenance of those words in the clause. Under the Trustees Act of 1896 where the trustee was not personally guilty where any fraud was committed he was freed from all responsibility.

MR. HERBERT (Buckinghamshire, Wycombe) said that it appeared to him that the liability of a public official was very different from that of an ordinary trustee. He thought that the case would be met by the third section of the Judicial Trustee Act, and it appeared to him a mistake to grant relief from liability in a form of words different from that in the Act mentioned.

*MR. RADFORD said that in regard to this Bill they were in the position of a firm pushing a new article, namely, the Public Trustee, who

had to compete with various other articles on the market—the private trustee and the various corporations who did this class of business. By this measure it was provided that the Public Trustee should be liable to make good any loss which up to the present the private trustee had been liable to discharge. So far, so good, but he could imagine the family solicitor closeted with the testator and considering the question of whether the Public Trustee should be appointed or not. The family solicitor would say to the testator, “I must draw your attention to the words of subsection 1, of Clause 17 of the Public Trustee Act.” He would read to the testator the words which showed that the Public Trustee was liable under the same conditions as the private trustee except when the liability was one to which the Public Trustee had not nor had any of his officers in any way contributed, and could not have averted by reasonable diligence, and that in that case the Public Trustee was not, nor was the Consolidated Fund to be liable. He thought that the testator in considering those words would regard them as something alarming, and would be inclined not to take the Public Trustee to administer his affairs, but to stick to the old plan of having a private trustee. He did not very clearly understand what the meaning of those words might be, and although he had listened carefully to what the hon. and learned Attorney-General had said, he did not glean from his remarks what was their precise bearing. No doubt it was his own fault and due to some defect in his intelligence, but the words were long and complicated, and they were the more alarming from the fact that they were insisted upon by the

Mr. Radford.

Chancellor of the Exchequer, because if the Chancellor of the Exchequer insisted upon these words being inserted the right hon. Gentleman must think that there were certain liabilities which might sound in damages from which it was desirable to escape. He appealed to the hon. and learned Attorney-General who desired to promote the success of the Bill to consider this matter.

MR. MICKLEM asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

MR. MICKLEM moved after the word “discharge” in line 4 of the proposed new clause, to insert “or to discharge any liability incurred by the Public Trustee in that capacity.” He said it must be perfectly manifest to the Committee that the Consolidated Fund should be liable not only for any acts of the Public Trustee for which he would be liable if he were a private trustee, but also for the action of the Public Trustee for anything he did in his public capacity. The Public Trustee had under some sections of the Act judicial authority. He might go completely wrong and make the various beneficiaries incur costs which there was no way of meeting, unless words were inserted which enacted that the Consolidated Fund should be liable for the acts of the Public Trustee as such. Then in addition to his judicial functions, the Public Trustee had administrative functions as distinguished from the private trustee. There were certain sections inserted directing him to undertake certain duties, and if in consequence of his discharge of those duties, loss resulted to the beneficiary,

he thought the Consolidated Fund ought to be liable.

Amendment proposed—

"In line 4 of the proposed new clause, after the word 'discharge' to insert the words 'or to discharge any liability incurred by the Public Trustee in that capacity.'"—(*Mr. Micklem.*)

Question proposed, "That those words be there inserted."

SIR JOHN WALTON said the Amendment did not seem to him to be necessary, but he would consider the matter. The substance of the Amendment, he thought, was effectively provided for.

MR. MICKLEM said he would withdraw the Amendment.

Amendment, by leave, withdrawn.

*MR. R. PEARCE, who had given notice of the following Amendment—

"In line 12, at end, to insert the words 'Provided that the Consolidated Fund shall not be liable under this section while the national expenditure under the control of Parliament and provided for by taxes exceeds one hundred million pounds in the year,'"

said that this matter was discussed the night before, and he did not apprehend that the Government would since have changed their mind. It would therefore be no use persevering with his Motion.

Clause agreed to.

New clause:—

"The salary or remuneration of the Public Trustee and his officers and such other expenses of executing his office or otherwise carrying this Act into effect as may be sanctioned by the Treasury shall be paid out of moneys provided by Parliament."—(*Sir John Walton.*)

Brought up and read the first and the second time and added to the Bill.

New clause:—

"(1) There shall be charged in respect of the duties of the Public Trustee such fees, whether by way of percentage or otherwise, as the Treasury with the sanction of the Lord Chancellor may fix, and such fees shall be collected and accounted for by such persons and in such manner, and shall be paid to such account as the Treasury direct. (2) Any expenses which might be retained or paid out of the trust property if the Public Trustee were a private trustee shall be so retained or paid, and the fees shall be retained or paid in the like manner as and in addition to such expenses. (3) Such fees shall, under the regulations of the Treasury, be applied as an appropriation in aid of moneys provided by Parliament for expenses under this Act, and, so far as not so applied, shall be paid into the Exchequer. (4) The fees under this section shall be arranged from time to time so as to produce an annual amount sufficient to discharge the salaries and other expenses incidental to the working of this Act (including such sum as the Treasury may from time to time determine to be required to ensure the Consolidated Fund against loss under this Act), and no more."—(*Sir John Walton.*)

Brought up and read the first and the second time.

MR. MICKLEM moved at the end of the proposed new clause to insert—

"(5) The incidence of the fees and expenses under this section as between capital and income shall be determined by the Public Trustee subject to appeal to the Court."

SIR JOHN WALTON said he would accept the Amendment if the last words "subject to appeal to the Court" were omitted. He did not think those words were wanted, and if they were left out he thought the Amendment would be a useful one.

MR. MICKLEM consented to the omission of the words.

Amendment proposed—

"In line 20 of proposed new clause, at the end, to insert the words '(5) The incidence of the fees and expenses under this section as

between capital and income shall be determined by the Public Trustee.'"—(*Mr. Micklem.*)

Question proposed, "That those words be there inserted."

MR. WILLIAM RUTHERFORD, having alluded to the difficulties of auditing if the apportionment of the charges between capital and income was not dealt with, made one more appeal to the hon. and learned Attorney-General to make the matter clear.

*SIR JOHN WALTON said he would consider the matter.

*MR. R. PEARCE said he noticed that the clause proposed that this matter should be left in the hands of the public trustee. In New Zealand, where this subject had been a matter of considerable discussion, it was not left to the public trustee, but there was a graduated scale with a diminishing charge as the estates increased in value. He thought that such a provision should be prescribed by some higher authority than the public trustee and should be dealt with by rules.

*SIR JOHN WALTON said there was a provision to the effect that the Lord Chancellor should frame rules, and these would have reference to the question whether the incidence of these fees should fall upon capital or income.

Question put, and agreed to.

Motion made, and Question proposed, "That the clause, as amended, be added to the Bill."

MR. J. D. WHITE (Dumbartonshire) said that before this question was put to the House he would like to call attention

to the financial arrangements in all these clauses and particularly with regard to this clause. It was provided that all fees should go into the Consolidated Fund and all payments both as to management and liability and insurance against liability, etc., were to come from the Consolidated Fund. He ventured, however, to think Section 5 was by no means sufficient to make the ends meet. There was considerable danger that there might be in various directions a balance of liability on the Consolidated Fund. He pointed out also that while the benefits of the Bill extended to England alone, the Consolidated Fund was contributed to by Scotland and Ireland. He had no claim to speak for Ireland, but so far as Scotland was concerned, he could say that she also needed a public trustee. It not infrequently happened in Scotland that small estates were either mismanaged and wasted or the profits were eaten up by legal expenses. All he could do was to express the hope that as Scotland contributed to the liability under this Bill she should not be refused the benefit of it, and that the Government in the near future would either constitute a public trustee for Scotland or in some other way consider her claims when the question of equivalent grants came up for discussion.

Question put, and agreed to.

MR. MICKLEM said the object of the Amendment he now proposed was that persons who were dealing with beneficiaries should be able to obtain information as to the state of the property of such beneficiaries. The whole matter was somewhat technical but, as all those who understood the question

knew, a trustee under the present law was not bound to answer any questions put to him even if they were put with the authority of the beneficiary as to any assignments made by him. He ventured to think that if we were to have a public trustee he should be bound to keep a register, and to answer any questions put on behalf of the beneficiary. The object of this was to enable a man interested in an estate to borrow money upon his interest if he required to do so for any purposes of his own on marketable terms. If no register was kept and the trustee refused to answer any questions, the person borrowing money would have to go to a moneylender and pay unfair rates of interest, although he was dealing with his own property. There could be no possible objection to the Public Trustee being bound to keep a register to which beneficiaries and others interested might go and see what was being done. Without imposing any hardship on the trustee it would be of great benefit to all beneficiaries who wanted to deal with their estates. He begged to move.

New clauses—

'(1) The public trustee shall keep a register of all notices received by him, including notices passed on to him by former or other trustees, of assignments, settlements, incumbrances, and other dealings affecting, and Orders of Court changing or appointing, receivers of the present or future interest of any beneficiary in the property subject to the trust. (2) It shall be the duty of the public trustee to acknowledge the receipt of all notices received by him in respect of any of the before-mentioned matters. (3) The register relating to each trust shall be open to inspection by the beneficiaries or persons authorised by them at all reasonable times. (4) Any person suffering loss by reason of the failure of the public trustee to enter on the register such notices as aforesaid shall be entitled to be indemnified by the public trustee, and such loss shall be deemed to be a liability within Section 7 of this Act. Subject to

rules under this Act any person claiming as beneficiary, purchaser, or mortgagee to be interested in any trust property held by the public trustee either alone or jointly shall be entitled to give a notice to the public trustee to operate as regards the trust property in the same manner as a distringas notice or stop order operates upon stock standing in the books of a company or upon funds in Court. In any case where the public trustee is acting as custodian trustee jointly with other trustees notices required to be served on the trustees shall be deemed to be duly served if served on the public trustee alone.'—(*Mr. Micklem.*)—

Brought up, and read the first time.

Motion made, and Question proposed,
"That the clause be read a second time."

*SIR JOHN WALTON expressed the hope that the Amendment would not be pressed. He pointed out that as the law now stood, in the absence of any express provision, the public trustee would be in exactly the same position as a private trustee, subject to the same obligations, and with a right to exercise a similar discretion. His conduct would be regulated by the rules of law applicable to the administration of estates. This Bill contemplated that in making rules the Lord Chancellor should deal with the exceptional situation arising from the fact that the public trustee had been called in to discharge duties which had hitherto devolved upon private persons. It was certain that some provision would have to be made in those rules in order to enable the object of the hon. Member to be carried out. The whole matter was one of detail, and one which would have to be considered, and he did not think it would tend to the practical value of the scheme if the Government accepted the Amendment.

MR. MICKLEM said that, in the face of the assurance of the Attorney-General

that this matter would be considered and dealt with by the rules proposed to be made by the Lord Chancellor, he would not press the Amendment.

New clause, by leave, withdrawn.

Title:

Amendment proposed—

“To leave out the words ‘the Judicial Trustee Act, 1896, and otherwise.’—(*Sir John Walton.*)

Amendment agreed to.

SIR HOWARD VINCENT expressed the Committee's sense of the tact and great courtesy with which the Attorney-General had conducted the Bill through Committee.

Bill reported, with an amended title; as amended, to be considered To-morrow, and to be printed. [Bill 378.]

PROBATION OF OFFENDERS BILL.

Order for Second Reading read, and discharged. Bill withdrawn.

TOWN TENANTS (IRELAND) BILL.

Reasons for disagreeing to certain of the Lords' Amendments reported and agreed to.

To be communicated to the Lords.—(*Mr. Bryce.*)

MESSAGE FROM THE LORDS—EDUCATION (ENGLAND AND WALES) BILL.

That they insist on their Amendments to the Education (England and Wales) Bill to which this House has disagreed, for which they assign their reason.

Mr. Micklem.

That they have agreed to—Land Tax Commissioners Bill, Expiring Laws Continuance Bill, with an Amendment; Land Tenure Bill, Workmen's Compensation Bill, Notice of Accidents Bill, with Amendments.

TRADE DISPUTES BILL.

That they agree to the Amendment made by this House to one of the Amendments made by the Lords to the Trade Disputes Bill, and to the consequential Amendment made by this House to the Bill; and do not insist on their Amendments to which the Commons have disagreed.

EDUCATION (ENGLAND AND WALES) BILL.

Lords reason to be considered to-morrow, and to be printed. [Bill 379.]

LAND TENURE BILL.

Lords Amendments to be considered to-morrow, and to be printed. [Bill 380.]

WORKMEN'S COMPENSATION BILL.

Lords Amendments to be considered to-morrow, and to be printed. [Bill 381.]

NOTICE OF ACCIDENTS BILL.

Lords Amendments to be considered to-morrow, and to be printed. [Bill 382.]

Whereupon Mr. DEPUTY SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

Adjourned at half after Nine o'clock.

HOUSE OF LORDS.

Thursday, 20th November, 1906.

RETURNS, REPORTS, ETC.

INTERMEDIATE EDUCATION BOARD
FOR IRELAND.

Correspondence between His Excellency the Lord-Lieutenant of Ireland and the Intermediate Education Board for Ireland. Presented (by Command), and ordered to lie on the Table.

PHARMACY (IRELAND) ACTS, 1875 TO 1890.

Order in Council, dated 17th December 1906, approving of an amended regulation made by the Pharmaceutical Society of Ireland.

INDIA (LOANS RAISED IN INDIA).

Return of all loans raised in India chargeable on the revenues of India, outstanding at the commencement of the half-year ended on the 30th September, 1906, with the rates of interest and total amount payable thereon, and the date of the termination of each loan, the debt incurred during the half-year, the moneys raised thereby during the half-year, the loans paid off or discharged during the half-year, and the loans outstanding at the close of the half-year, stating, so far as the public convenience will allow, the purpose or service for which moneys have been raised during the half-year.

Laid before the House (pursuant to Act), and ordered to lie on the Table.

PALACE OF WESTMINSTER.

Report from the Select Committee (with the proceedings of the Committee) made, and to be printed. (No. 256.) Minutes of evidence: Laid upon the Table and to be delivered out.

MERCHANT SHIPPING ACTS AMEND-
MENT (No. 2) BILL.

Commons Amendment to Lords Amendment considered (according to order).

THE EARL OF GRANARD: The Amendment inserted by the other House is simply a drafting Amendment, and in those circumstances I venture to hope

your Lordships will agree to the Commons' Amendment.

Moved, "That the Commons Amendment to Lords Amendment be agreed to."—(*The Earl of Granard.*)

On Question, Motion agreed to.

CENSUS OF PRODUCTION BILL.

House in Committee (according to order). Bill reported without Amendment. Standing Committee negatived. Then (Standing Order No. XXXIX. having been suspended), Bill read 3^a, and passed.

TOWN TENANTS (IRELAND) BILL.

Commons Amendment to Lords Amendment, and reasons for disagreeing to certain of the Lords Amendments considered (according to order).

LORD DENMAN: My Lords, I rise to move that this House do not insist upon the Amendments to which the Commons have disagreed. I can assure the House that my having once more to inflict a disquisition upon your Lordships on the subject of this Bill is not owing to any desire of my own, but, as the Bill has now reached a somewhat critical period of its existence, I hope I may be allowed to trespass for a few moments on the patience of the House in tracing how it has arrived at this stage. The Bill was originally introduced into the House of Commons by a private Member. In the debate on the Second Reading the Chief Secretary, speaking on behalf of the Government, expressed his approval of the contents of the greater part of the Bill, but criticised in principle two clauses—namely, Clause 5, which provided compensation for disturbance, and Clause 6, which provided for leasehold enfranchisement. He particularly criticised the principle of compensation for disturbance as applied in the original Clause 5 of the Bill. In Committee Clause 5 was remodelled and Clause 6 was omitted altogether in order to meet the views of the Government. In the autumn the Government, under the belief that they would be able to secure its passage through another place,

starred the Bill. They have been attacked elsewhere for their action in that respect, but I submit to your Lordships that in the early months of the summer it was absolutely impossible for any man to realise how long this autumn session, with all its joys of foggy days and midnight sittings, would last; and the Government have been criticised in this House because they have taken up the Bill at all. There has been no change of attitude on the part of the Government with regard to this Bill. There has been no *volte face*, no reversal of front, nothing of that kind. The attitude of the Government has been straightforward and consistent throughout. The Bill, as your Lordships are aware, underwent material alteration in this House, and it then returned to the House of Commons. The House of Commons have agreed to nearly all the Amendments which were introduced in this House. I would like to show how very great and real those concessions have been. In Clause 1 they have accepted Lord Ashbourne's Amendment and Lord Arran's Amendment. In Clause 6 they have accepted Lord Donoughmore's clause almost in its entirety. They have accepted the substance of Lord Leitrim's Amendment, and they have accepted several new subsections introduced at the instance of Lord Clonbrook. They have accepted another clause introduced in order to meet certain objections by Lord Dunboyne, and they have ratified the arrangement which, on behalf of the Government, I made in this House to introduce new clauses covering the case of trustees and companies. They have accepted an Amendment of Lord Mayo to leave out clubs and other places of social amusement, and they have accepted, no doubt very much against their will, the Amendment of Lord Pembroke limiting the scope of the Bill to urban districts and villages. These are the concessions which the House of Commons have made, and I think that they are no small concessions. I may add that it has been no easy matter for the Government to induce the House of Commons to agree to make these very considerable concessions to this House. I submit that in so doing the House of Commons have deferred in this

matter to the opinion of this House, and that they and the Government have done everything in their power to arrive at a compromise.

With regard to the Amendments which have come back to us from the House of Commons—and I do not deny for a moment that they are important Amendments—I think it will be for the convenience of the House if I outline what the attitude of the Government with regard to them will be. First, as regards retrospection. I do not wish to go into arguments which we have already had in this House with regard to that principle. I would only point out that there is a very real grievance in Ireland on account of it. It is a matter of common knowledge, and I do not believe any noble Lord in this House will deny, that tenants in Ireland have gone on renewing their tenancies from year to year, trusting implicitly in their landlord. In some cases landlords have taken advantage of that trust, and it is possible that in future landlords may take advantage of that confidence and that serious cases of hardship will arise. As I have said, the principle in the Bill is not a new one either in English or in Irish Acts of Parliament. Noble Lords from Ireland have argued, rather astutely it seems to me, perhaps to intimidate noble Lords who do not come from Ireland, that if you introduce this principle in this Bill, there is no doubt whatever that it will be introduced into English and Scottish Acts of Parliament. I confess I cannot agree in any sense with that. I am informed that the same argument was used with regard to the Land Acts of 1870 and 1881, and yet those principles have never yet been applied in England. I cannot see why Parliament should be frightened out of remedying an injustice in one part of the Empire simply from the fear that the principle may under certain conditions be applied in other parts. If you push that argument to its logical conclusion, you will never have any legislation at all, and you may as well shut up both Houses of Parliament at once. The cases of England and Ireland are entirely apart. They have been dealt with separately on their merits in the past, and they must be dealt with separately in the future.

I now come to the other point upon which the Commons have disagreed with your Lordships—namely, compensation for disturbance. I would venture to remind you that this is not the clause as it stood in the original Bill. It was introduced at the instance of the noble Earl opposite, Lord Donoughmore. What has been done in the House of Commons is this. Towards the end of the clause they have struck out these words—

“ Provided that such compensation shall in no case exceed three years' rent of the holding.”

I think there is a very good explanation and reason for that, viz., that it is impossible to calculate the amount of goodwill by a number of years rent. That is an entirely fallacious test. It is possible that the rent of a holding may be very high and the goodwill very small, but the converse is also possible, that the rent may be very low whilst the goodwill is relatively high. It is possible to suppose a case of a shop rented at, say, £20 or £30 a year, where the goodwill is equal to £200. My noble friend the Lord President of the Council, and, perhaps, in a humbler degree, myself, have in this House done our best to arrive at a compromise in regard to this Bill. We have made many concessions, but at length the limit of concession is reached, and I have to state on behalf of His Majesty's Government that unless this House can see its way to accept these two Amendments which have come back from the House of Commons the Bill must drop.

I would like to call attention to the division which took place last night in the House of Commons on the principle of retrospection. In that division the Government had a majority of 229, only some thirty-six Members, I think, being found to vote against the Bill. Now, my Lords, 229 is a very respectable majority. I think that even my noble friend Lord Waldegrave, satiated almost to the point of indifference by the huge majorities he can command in this House, will admit that 229 is a substantial majority; but I am aware that there are Members in this House with whom that argument carries no weight at all. They do not mind whether the majority is 229 or any higher figure. But I would ask

their attention while I briefly analyse the division list and point out certain striking features. In the first place, only three Members representing Irish constituencies were found to vote against the Bill. The great majority of the Ulster Party abstained from the division. The Leader of the Ulster Party, Mr. Walter Long, abstained from voting, and I think I am right in saying that he has refrained from taking part in any important division in the other House against this Bill. More than this, there were three Members from Ulster who spoke on behalf of the principle of retrospection, and three Ulster Members went into the Lobby with the Government in favour of the principle. I have been given to understand that one swallow does not make a summer, but if you take three swallows together, I submit that that is an indication that milder atmospheric conditions are close at hand; and the fact that three Ulster members went into the Lobby with the Government shows that those who were at first strong opponents of the Bill now adopt towards it a more favourable attitude.

I have stated what I have to say in no minatory or aggressive spirit. Everyone knows, I believe, that certain noble Lords opposite would regard the statement that the Bill under certain circumstances will drop, not as a threat, but rather as an inducement to vote against these Amendments. Certain noble Lords opposite do not regard the Bill with any very great amount of favour. But I assure your Lordships that I have no intention of using a threat of any sort or kind when I say that we shall be obliged, if your Lordships cannot agree to these Amendments, to lose the Bill. In conclusion, I would only say one word, not to noble Lords from Ireland, for I fear their mind is already made up, but to English and Scottish Peers in this House. I would venture to point out to them that, if this question is not settled now, this is only the beginning of a long series of acrimonious debates in both Houses of Parliament. Further, it will be a source of agitation in Ireland, a source of serious disturbance, and probably of breaches of the peace in that country. The Bill is asked for with perfect unanimity by the whole of the

Irish people, and I ask noble Lords opposite to hesitate before they deny a wish expressed with almost entire unanimity by a nation. That is all I have to say. I have endeavoured to outline clearly what the policy of the Government in this matter is. It is for noble Lords opposite to decide what course they will now pursue. With noble Lords opposite rests the decision and the responsibility for that decision.

Moved, "That this House do not insist upon the Amendments to which the Commons have disagreed."—(*Lord Denman.*)

LORD ASHBOURNE: My Lords, the noble Lord who has just spoken has assumed in his manner that he was addressing a hostile audience, incapable of conviction or modification of view, and that, in fact, he was wasting his powers in attempting to argue the case at all. But what is the good of putting down a Motion for consideration if we are told at the outset that it is no good considering the matter? I claim to be a moderate and not an unreasonable man, and when I hear a debate opened I am always prepared to discuss on temperate lines what are the main issues. The noble Lord has given his Government a character of which any Government might be justly proud. He has suggested that there never was a more judicious Government, that they are always willing to do what is fair and right; in fact, that no people could be better. I have lived a great many years longer in the world than the noble Lord, and I have come to the conclusion that it is always wise to approach every question in a temperate spirit. No doubt the Government, composed of able men, of course of varying intelligence but with a high average of prudence, good sense, and ability, recognise the reasonableness of meeting some Amendments by modifications and others by acceptance. We consider the matter from exactly the same point of view. We accepted the views of His Majesty's Government on a great many points, and we did not press anything we thought unreasonable. Let the Government, if it makes them happy, take credit for having accepted Amendments to which they did

not see their way to make any legitimate resistance.

There are two Amendments put down for discussion to-day that we are invited not to discuss. Being tolerably familiar with Irish questions and with the Irish Land Code, I can hardly conceive two Amendments that would lend themselves more to fair, reasonable, and temperate examination. The first of them is what is called the retrospective Amendment. The clause as originally introduced by the Government provided that tenants, subject to a qualification taken from the Act of 1870, whether the improvements were made before or after the Bill came into operation, should be able to make a claim for improvements. That was dealt with elsewhere by the suggestion that, having regard to the facts, retrospective action was not reasonable. It was pointed out that this was a perfectly new development, and that it was an extremely strong measure to give retrospective effect to legislation dealing for the first time with towns. The Government resisted that objection in the House of Commons. Then the Bill came here and we dealt with it, and I think we did so in a not unreasonable spirit.

There are two aspects of retrospection—one in reference to the date of the holdings, and the other in reference to the date of the improvements. Your Lordships drew a distinction between improvements made on holdings before the passing of the Bill and those made after the Act had come into operation. This House did not think it reasonable that the provision should extend to improvements made before the passing of the Act, when no one had the faintest conception that such a startling change in the law would take place, a change applying legislation for agricultural holdings to houses in Irish towns and villages. Now, this particular clause is presented to us by the noble Earl in hardly the language of persuasion, though he has told us that the language he used was not threatening language. I prefer to deal with the subject in the language of reason and commonsense.

What was done in the House of Commons? The House of Commons

Lord Denman.

put back the clause in its original shape. The principle that they contend for is this, that retrospective action must be recognised. That is, that improvements made in the past are to be recognised and dealt with as subject-matter for compensation. The earlier legislation, the Act of 1870, provided that there should be certain safeguards. That Act recognised that improvements made before the passing of that legislation had to a certain extent to be safeguarded. Mr. Gladstone was Prime Minister of that day. He made himself a master of everything connected with tenure in Ireland and took an active part himself in all these measures, and the way he sought to safeguard the matter was this. He provided that in reference to all improvements made before the passing of the Act, compensation could only be obtained for permanent buildings and for improvements made within twenty years before the passing of the Act. Sub-section (5) of Clause 2 of this Bill was an excerpt from the Act of 1870. Mr. Gladstone recognised that when you are dealing with a principle of this kind a difference must be observed between improvements made before and improvements made after the passing of the Act. You cannot say that improvements made before the passing of the Act are to be dealt with in the same way as improvements made subsequently. There is a distinction, and the necessity of certain safeguards must be recognised. I am not aware whether this is a particular aspect of the question on which the House of Commons voted, but I do not find that that particular aspect had attention concentrated upon it. If I were anxious to arrive at a moderate conclusion in reference to this matter, I would apply myself to see whether the qualifications that are to be found in the sub-section I refer to should be modified in reference to the position in which we find ourselves. I think the point is open to careful examination whether safeguards appropriate to land in the Act of 1870 can be applied without change to the different subject-matter of buildings. I do not myself think it is reasonable. The sub-section was framed to deal with a different matter. Is it reasonable to say, in reference to towns, that the buildings might be claimed for at all times without

a qualification of years? I think myself that that is too strong.

The only other clause that the noble Lord has applied himself to is that in reference to compensation for disturbance I should approach that with great misgiving, except that I have perfect confidence in my desire not to say anything in the slightest degree disagreeable or offensive to noble Lords opposite. What is that clause? We are familiar with the term "compensation for disturbance." This is an effort to introduce that principle into towns in Ireland. The clause is taken almost verbatim from the Land Tenure Bill, and there are no qualifications of any importance grafted on to it except the frank admission that goodwill is an element which may be taken into account. That was a very substantial thing to do. My noble friend Lord Donoughmore at first proposed that the compensation should be limited to one year. That was inserted in Committee. It was then pointed out by the noble Lord in charge of the Bill and also by the noble Earl the Lord President of the Council that that was not adequate, and that a higher figure should be inserted. On Report, the noble Lord in charge of the Bill, acting for the Government, moved that instead of one year five years should be inserted. In the discussion that took place the Lord President indicated that one year was entirely inadequate, and that three years, the period in the Lands Clauses Consolidation Act in reference to a similar subject-matter, would be more appropriate for consideration. When Lord Denman subsequently proposed the insertion of five years, my noble friend Lord Donoughmore took exception, and expressed his willingness to accept three years as mentioned by the noble Earl the Lord President, and three years has now been assented to by the Government as a modification of their proposal for five years. Is it reasonable for us to be told that if we do not forget and ignore an Amendment put in with the sanction of the Government the Bill must die, and die at our hands? I do not think it is reasonable to ask us to unsay everything that has been said, and to ignore the concessions of the Government in reference to this subject.

THE EARL OF DUNRAVEN: My Lords, what my noble and learned friend describes as compensation for disturbance is really compensation for loss of goodwill. As regards that particular Amendment, my position is perfectly clear. I have always objected to limiting it in any way by any number of years rent. It appears to me that if you limit it as it is limited in the Bill to three years you are really giving with one hand and taking away with the other. The House accepts the principle that compensation should be given under certain circumstances for the loss sustained in the shape of goodwill, and it is then limited to three years' rent. Imagine the case of a shop-keeper, with a good little business, who pays £10 a year rent. He may be practically forced out of the holding by onerous conditions. He may be unable to get equally good premises in the same town, and, what is exceedingly likely to occur, he may not get any other premises in the town at all. The goodwill in connection with that business might have been created by the tenant's grandfather, his father, and then himself, and it would be farcical in such a case to say that £30 would be any compensation. I prefer the provision as it was in the Bill when it came up to your Lordships. I think the amount of compensation ought to be left to the decision of the Court.

I should like to say a word or two upon the Commons objections to the Amendments of this House, as I was responsible for some of those Amendments. I objected to the retrospective character of the Bill for three more or less distinct reasons. First of all, I objected to the principle that you should take away a man's property without any compensation; in the second place, I objected because I thought it would have a bad effect upon the peasant proprietors who are so rapidly being created in Ireland; and I objected, in the third place, because I felt that the retrospective character of the Bill would entail hardship upon owners of town property, and, more especially, upon the small owners of town property. As far as the principle is concerned my objections still hold good. I dislike the principle. Yesterday in the other House the Attorney-General for Ireland spoke

of the owner having a legal and technical right to property which in equity and justice ought to belong to the tenant. I accept that for the sake of argument. I admit at once that there is perfect justification for legislation to alter that condition of things in the future; but to urge that it is legitimate on the part of Parliament to take away property to which a man is legally entitled appears to me, even though you think he ought not to be entitled to it, to be another matter altogether. I still think that interfering with the legal rights of these small owners will have a prejudicial effect upon occupying tenants throughout Ireland. These men are buying their freeholds; we are inviting them to invest their capital in developing them, and their security is a Parliamentary title. It surely cannot be a very good object lesson to these small owners for Parliament to interfere with legal rights and legal titles in the way proposed. I entertain the same objection now that I did before on these two points.

As regards the hardship that the retrospective action of the Bill may entail on owners of town property, I must admit that I have considerably modified my views on account of other Amendments which were moved and which remain in the Bill, and especially on account of an Amendment moved by the noble and learned Lord. As the Bill now stands, no compensation can be given for any improvement in excess of the capitalised value of such addition to the letting value of the holding as the Court shall determine to be the direct result of such improvement. Moreover, the time during which the tenant may have enjoyed the advantage of the improvement has to be considered, and no compensation can be claimed if the landlord has made a reasonable offer of a new tenancy or of the continuance or renewal of the tenancy. Surely that makes a very considerable alteration in the Bill as it came up to your Lordships' House. The time during which the tenant has enjoyed the advantage of the improvement he has made has to be considered, and there can be no compensation, as I understand it, if the value of the improvement has been exhausted during the time in which the tenant has been in

the enjoyment of it. He can only claim compensation for the unexhausted value of the improvement, and if the landlord offers to renew the tenancy so as to give sufficient time for the value of the improvement to be exhausted, no compensation can be claimed.

In the very worst case which can be imagined, if the improvement was made, say, the day before this Bill becomes an Act, if it does become an Act, the compensation is limited to the capitalisation of the increased letting value directly consequent on the improvement. It appears to me that the landlord in that case, if he has to pay compensation for an improvement, recoups himself in the increased letting value in the same way, or practically in the same way, as if he had made the improvement himself and charged the tenant interest for doing so, as he is entitled to do under the Bill. In these circumstances I am bound to say that, as far as any hardship that the retrospective character of the Bill can inflict on the owner of town property, the Bill as it has been amended in this House by the insertion of provisions which have not been objected to in the House of Commons has been profoundly modified; and, so far as that is concerned, I do not entertain the same objections to its retrospective character as before.

The most practical point, after all, is the effect the retrospective provision may have on owners of town property. So far as the principle is concerned, as the Duke of Devonshire said the other night, it is perhaps better at times to be unprincipled. At any rate, we have to consider the probability that if your Lordships insist on your Amendments the Bill may be lost. Personally I should be exceedingly sorry to see the Bill lost. The Bill contains a great deal that is very good and very beneficial, and, therefore, the position I find myself in is this. I have to consider whether I am justified in running the risk of losing a Bill which I consider to be a good Bill in most respects, in order to maintain a principle which I am bound to say appears to me to be inoperative so far as this measure is concerned—a principle which will really not affect owners under the Bill. In these circum-

stances I should not feel justified in asking your Lordships to maintain the Amendment which I myself moved, and thereby to imperil the Bill.

THE EARL OF MAYO: My Lords, your Lordships will remember that you decided, on 11th December, by a large majority, not to admit the principle of retrospection in this Bill. I have no complaint to make of the way in which the noble Lord in charge of the Bill brought forward the disagreement of the Commons with our Amendments. There was only one thing which he said at the end of his speech to which I would call attention, namely, that if we insist on our Amendment regarding retrospection the Bill must drop, and that in consequence there may be trouble and breaches of the peace in Ireland. Now, we are quite accustomed to that sort of thing in Ireland. That really does not impress me very much. I am perfectly certain that the Government know how to deal with that sort of thing. But I doubt whether this House, having adhered to a principle, is likely to go back upon it. I take exception to the statement that town tenancies in Ireland are different from those in Great Britain. Town tenancies are in exactly the same position in England, Scotland, and Wales, and if you admit the principle for Ireland it will undoubtedly cross the Channel and be adopted here.

What is the effect of the retrospective provision? Noble Lords have tried to belittle its effect. The effect of it will be that small owners who have invested their savings in these houses will be ruined; they cannot possibly face the law suits that are likely to ensue. Let me take the case of a landlord who has a row of houses in a town, the leases of which fall in. He desires to improve the property. The tenants claim compensation in each case, and the money which he intended to spend in improving the property goes into the hands of the lawyers. A great deal of the Bill is taken up with safeguards for its future working which I allow are excellent. The safeguards are—the tenant must give notice, the landlord may make the improvement himself, he may dispute the necessity for the improvement, and he

may register the improvement. But there is not one of those safeguards with regard to past improvements. If it is so necessary that future improvements should be safeguarded in this way, why is there no safeguard in the matter of improvements made in the past?

It is entirely wrong to imagine that we wish to wreck the Bill. The noble Lord in charge of the Bill seemed to think that noble Lords from Ireland had entirely made up their minds on this subject. That is so; but they are open to arrangement and to a certain amount of compromise. Subsection (5) of Clause 2 in the Bill as brought from the Commons reads as follows—

“A tenant shall not be entitled to claim compensation for any improvement made before the passing of this Act except permanent buildings unless made within twenty years before the date of such claim.”

We feel that the Bill ought not to be lost, and we suggest that instead of “twenty” you should insert “ten” years. I do not know whether the Government can see their way to accept that compromise. If they do not accept it I hope noble Lords will support me in the matter. I am not anxious that the Bill should be lost, but I think your Lordships should try to arrive at some arrangement by which the retrospective action should be limited to some extent.

LORD CASTLETOWN: My Lords, I had not the opportunity of speaking on the Second Reading of this Bill, and therefore I hope I may be pardoned if I say a few words at this stage. I would venture very humbly to ask the noble Lord in charge of the Bill and His Majesty's Government to reconsider, if they possibly can, the hard and fast decision at which they have arrived in regard to the retrospective clause. In my judgment this clause is unnecessary and unwise, and will, I am afraid, be destructive of the confidence which all of us who live in Ireland know is growing up there among the middle classes in investing not only in land but in buildings. There is also a feeling that these sudden changes in legislation are dying out, and that we are arriving at a more peaceful epoch. I have stated that the clause is unnecessary, and I shall be able to show that it was strongly opposed by the Chief

Secretary and, I think, the Attorney-General before it was inserted in the Bill in another place. It was imported into the Bill because it was felt by a large number of members from all parts of Ireland that it was a very good thing to conciliate a certain number of voters in small villages. That accounted for the insertion of the clause, the harm that would be done by the clause not being considered.

The retrospective clause was also imported into the Bill as a kind of scourge for certain landlords who have acted unwisely, but in reality it will not have the deterrent effect supposed, for the simple reason that the majority of these landlords are rich men and will not mind either the litigation that will ensue or the payment of large sums by way of compensation. The clause will very severely punish the men who have saved money and invested it in houses in towns and villages, and who desire to live upon their small incomes. The speeches of the Attorney-General in the other House show that when he dealt with the retrospective clause he felt that he was not on very strong ground; and when replying to Sir E. Carson, who urged the protection of these middle-class investors, the Attorney-General used very remarkable words, and words which I think tend to show that my view of the case is the correct one. Sir E. Carson held that, if it was necessary to protect those who entered into future contracts, it was still more necessary to protect those who had already entered into contracts. The Attorney-General replied—

“Such a person took over all the obligations of the previous holder, and if he were a prudent man he would, when purchasing the property, employ a solicitor to see what obligations he was taking over. Under these circumstances he would take over the business with all the existing assets and liabilities and a prudent man would inquire what they were before he purchased.”

That, my Lords, is the short and simple answer as to the unwisdom of this retrospective clause. If such a person had gone, as the Attorney-General suggested, to his solicitor, he would have been told that the law did not compel him to pay retrospective compensation for damages, and that he would not have to pay for all the improvements he had purchased from some other landlord.

The Earl of Mayo.

Such a provision as this in the Bill will shake the confidence of everyone in the country who wants to invest money in this type of property. I am thoroughly in accord with the Bill as regards the future, for men will know exactly the position they are in when they invest their money. Living among these people and hearing from them what they feel on this subject, I would appeal to His Majesty's Government to reconsider if possible the form of the retrospective clause. I think the words suggested by the noble Earl opposite, if accepted by the Government, would lessen the injustice which I fear will be inflicted on the persons concerned. I hope the Government will look into the question if it is not too late.

LORD CLONBROCK: My Lords, as I had the honour of moving the Amendment which it is now suggested the House should abandon, I should like to say one or two words. I fully retain my objection to the retrospective action of this clause; in fact, I should even have been prepared to move that the House insist on its Amendment. But, at the same time, taking into consideration what we have heard as to imperilling the passing of the Bill, and having no desire to see the Bill dropped, I shall not take that course, but I hope His Majesty's Government will accept the proposal of my noble friend Lord Mayo.

I still object to retrospection. I think it is most unfair that a man who has made an improvement with the full knowledge that he was not going to receive any payment for it, and who has enjoyed the advantage which that improvement conferred upon him during his tenure, should be able to come forward and claim compensation. I also support what has fallen from the noble Lord who just sat down as to this not being a case of wealthy landlords and large towns. The people concerned are small struggling people in small towns. They are generally middlemen, and though they will be able under a subsequent clause to recover from the head landlord, a considerable interval may elapse before they are able to do so. They can only recover at the close of their tenure, which may be a much longer one than that of the tenant.

Struggling people of that kind are, therefore, exposed to absolute ruin by these provisions. The noble Lord in charge of the Bill spoke of the different position of town tenancies in Ireland and England, but the difference is by no means material. I would draw attention to the Report of the Select Committee in 1886, that the difference between the respective positions of town tenants in England and in Ireland was not great enough to call for any legislation applying to one which did not apply to the other. I commend this to all noble Lords from England as a warning that they may expect a similar measure extending to this country. On the whole I still retain my objection to the retrospective effect of the clause, and I trust the Government will see their way to accept the proposal of my noble friend Lord Mayo.

*THE EARL OF CREWE: My Lords, the noble and learned Lord on the front bench opposite, in replying to my noble friend behind me, seemed to take some exception to the note of warning that if your Lordships were to insist on this Amendment, altogether striking out retrospection, the Bill would be grievously endangered. I am quite certain that my noble friend had no intention of addressing your Lordships opposite in anything like a peremptory tone. On the contrary, we always desire to approach the majority in this House in a tone almost of Oriental deference, not so much on account of the individual merits of noble Lords opposite, great though they are, but on account of the fact that they possess an overpowering majority in this House. It appears that we are following what has become a practice in both Houses in taking these Amendments *in globo*, but as they are not very numerous I do not know that that course produces any particular inconvenience on this occasion.

I will, if your Lordships will allow me, first deal, out of its order, with the Amendment in Clause 5. The noble and learned Lord recounted what happened at an earlier stage in regard to this Amendment, and he gave an account of it, which I need not say was substantially correct, although he omitted one important fact, that in the kind of

provisional agreement which we gave to the insertion of these words we bore in mind the fact that, after all, it was not our clause, but the clause of the noble Earl; and, therefore, we did not take the same degree of responsibility in joining in its Amendment as we should have done if it had been our own.

LORD ASHBOURNE: It was a step child.

*THE EARL OF CREWE: The term of five years, or three years, whatever it was, suggested by the noble Earl, has it is quite evident, caused considerable dissatisfaction not only in another place but also here. My noble friend Lord Dunraven, who has not been by any means a thick and thin supporter of the Bill, takes strong exception to this proposal on grounds which certainly seem to me to be well founded, namely, that it is important to bear in mind the remarkable difference which exists between three or five years rent of a town holding and three or five years rent of an agricultural holding. The rent bears a very large proportion in the agricultural case to the total interest of the tenant, whereas in the other case the proportion may be, and often is, exceedingly small. I do not know in what form your Lordships may choose to send down this Clause 5, but I am afraid it is not possible for the Government to say that they could rely upon its being accepted in the form in which your Lordships have left it. Therefore, it really is for noble Lords opposite to consider whether it is worth while, in view of what was said by the noble Earl, Lord Dunraven, to insist upon this Amendment to Clause 5.

Now I come to the really more important point of this question of retrospective. You were warned yesterday by the Duke of Devonshire against talking too much about questions of principle. I think it certainly cannot be denied that the difference which has existed between the two sides of the House in this matter, and also between noble Lords on each side of the House, does rest to a considerable extent on a question of principle. One class of opinion rests entirely upon the sanctity

of contracts and does not seek to inquire not merely whether those contracts were fair, but whether they were made with a real freedom of bargaining on either side. The mere fact, they say, that contracts exist is enough, and they ought to be respected. The other point of view, which I confess to be mine, is that if you are going to say that a contract need not necessarily be observed on the ground that there really was not free bargaining between the two sides, it does not matter whether that bargain is going to be made five years hence or was made a year ago. On that I suppose it will be impossible for us to agree.

But when we come to the facts of this particular case I hope it may be possible to agree. My noble friend behind me who spoke last but one put, I am afraid, a rather sinister interpretation on the remarkable majority in another place which carried retrospection. But however that may be, I think we cannot in this House ignore the fact that Members on both sides of the House of Commons not merely voted in favour of it, but supported it by speeches. I repeat what I said before, that it certainly does seem to me that if you leave this in, as I hope you will in some form, the practical effect is not likely to be very great. I do not think that, in relation to past contracts, tenants are likely to receive, if they quit their holdings, large sums under this retrospective clause. It is perfectly true that the safeguards which are applied in the case of future agreements cannot, in the nature of the case, all be applied in the case of past agreements; but it seems to me, bearing in mind the fact that this matter is going to be tried before a purely judicial tribunal, that the Court is therefore far less likely to give the benefit of the doubt to the tenant unless he is able to prove clearly that he was really responsible for the improvements which added to the value of the holding than if the matter were to be settled by arbitration, or on more rough and ready lines.

In the circumstances we think that it would be reasonable to accept the compromise offered by the noble Earl opposite, Lord Mayo, and supported, as I was glad to notice, by Lord Clonbrock,

The Earl of Crewe.

namely, that whereas no limit of date should be set on compensation obtainable for buildings, yet for all other improvements ten years should be substituted for five in the old sub-section 5. In order to do that, when my noble friend comes to the Amendment to which the Commons disagree he will have to move that the Amendment be disagreed to and then alter the words in the necessary way. I am in hopes that if your Lordships agree to that course being taken the noble Lord will not press the proviso to Clause 5.

*The MARQUESS OF LANSDOWNE: The noble Earl commenced his speech by assuring us that his colleague who had charge of the Bill did not intend to use peremptory language to this House. I do not think any of us ever imputed to him that he used peremptory language, but he did hint that extremely disagreeable things might happen to us if we did not accept these Amendments; and amongst other untoward consequences he suggested that the Bill would be dropped. I think it quite conceivable that some of my noble friends behind me may not be greatly dismayed by that prospect, but we shall no doubt consider this Bill without reference to such considerations as these.

What weighs with me is the fact that, after a very long discussion, we have at any rate very nearly come together. I think the noble Lord who has charge of the Bill was fully justified when he reminded the House that His Majesty's Government had accepted a number of very valuable improvements at the instance of noble Lords on this side. Again, of the four Amendments which have lately been before the House of Commons two have been accepted, so that the two remaining Amendments which we have been discussing are really all that stand between us and a settlement of this troublesome question. May I say one word, in the first place, with regard to the Amendment dealing with the retrospective character of the Bill? I have been greatly impressed by the avidity with which the dictum of the Duke of Devonshire with regard to principles has been accepted by this House. I think it was quoted by the noble Earl for the third time within twenty-four hours. I do not know whether we shall be able to

adopt as our motto the old-fashioned saying that—

"A merciful Providence fashioned us hollow
On purpose that we might our principles
swallow."

I hope we shall not come to that; but I think it is true that in Irish legislation we have, and I regret it, to a considerable extent left sound principle behind us. What is however remarkable in the case of this Bill is that for the first time we find this abandonment of principle applied, not to agricultural holdings, but to property in towns. That is no doubt a very serious innovation. Nevertheless I prefer to argue the question as a practical one and without regard to theory. There is one practical argument which I think makes very strongly in favour of those who have desired that the clause should not be made retrospective. It is an argument which I do not think has been noticed to-night. It is this, that in the case of improvements executed after the passing of the Act the landlord has to receive notice of the improvement. He has the opportunity of making it himself, and, in short, has means of protecting himself which obviously are beyond his reach in the case of old improvements executed before the passing of the Act. On the other hand, I think it is true that the Bill as it now stands does to a great extent safeguard the landlord. Let me remind your Lordships, quite briefly, what those safeguards are. In the first place, the tenant can only claim on quitting his holding, and not if he leaves voluntarily. He can only claim if he can show that he has been capriciously discharged by the action of the landlord. In the next case, the landlord can bar the claim altogether by a reasonable offer. Again, it is provided that the landlord has not to pay except for the ascertained addition to the letting value of the holding which results from the improvement. Besides that, the court is held bound to consider the time during which the improvement has been enjoyed, the rent, and any other benefits accruing to the tenant. Finally—and this is a most important reservation—there is no compensation where there has been a contract for valuable consideration, including a building lease. Therefore, in all cases where there are building leases, and I presume that in every case where the

premises have any value or importance there is such a lease, the question of compensation would not arise.

In these circumstances I should have ventured to advise my noble friends not to insist to the full extent on their Amendments, and I am the more disposed to advise that course as I understand the noble Earl the Lord President of the Council is ready to accept the suggestion that there should be a ten year limit beyond which there should be no claim on account of what I may call remote improvements other than buildings. To my mind that is a very important safeguard, because it is no doubt difficult for a landlord to protect himself in the case of improvements executed at a comparatively remote period of time. Therefore, I hope we shall accept the compromise advised by the noble Earl.

One word only as to the other point. I confess that I was a little surprised, and heard with regret, that His Majesty's Government were going to recede from the position they took up the other evening when they agreed to accept three years rent as the maximum of the claim which might be put forward for compensation owing to the loss of goodwill. But that change has been supported by arguments which I think are worth consideration, notably, if I may say so, by the strong argument put forward by my noble friend at the Table (the Earl of Dunraven.) Again, in the case of this clause I look from the particular point we are discussing to the other safeguards which are to be found in the Bill, and which seem to me to be of very great value to the landlord. Let me very briefly mention them. The tenant can only claim this compensation when he quits his holding owing to the arbitrary conduct of the landlord. Then I find in the second subsection a most important limitation under which it is laid down that the clause only operates in the case of business premises; that it includes only yearly tenancies created after the passing of the Act; that a lease of thirty-one years, if granted after the passing of the Act, bars a claim altogether; so that the clause, as I understand it, will not operate either in the case of old leases or in the case of new leases for

more than thirty-one years. The landlord can therefore stop the whole thing by granting his tenant a thirty-one years lease, and an ordinary building lease would no doubt cover him altogether. Putting aside the question of principle, I do not think the owners of property of this class have very much to fear from the Bill as it now stands; and, looking to the fact that we have been met in a not unreasonable spirit and that a number of important Amendments have been accepted at our instance, I should hope the Bill would be allowed to go through without further modification.

***LORD BALFOUR OF BURLEIGH :** My Lords, I want to say a single word on this particular question. I have listened attentively to this debate, which has been conducted almost entirely by those interested in the conduct of the Bill or in Irish land. I am not myself moved in this matter by the argument of the noble Lord who is responsible for the Bill, either about the size of the majority in another place, the acrimonious debates which may arise, or the possibility of breaches of the peace; I shall not take to myself any responsibility for interfering with the concordat which has been arrived at. All I want to do is to put in one word of caution. I find myself in a strange territory when I am dealing with questions of property and leases in which the tenants make all the improvements. That seems to me to differentiate the case from those contracts with which I am most familiar; and all I rise to say is that I hope, that being the case, that the fact that we are allowing a certain amount of retrospective action here will not be taken as a precedent against this House. It seems bad enough to interfere with the right of adult men to make contracts in the future, but that is as nothing in my mind to not regarding as sacred and binding contracts already made. I hope that, if the House consents to this compromise, those of us who deal with matters on this side of St. George's Channel will not be afterwards told that we are barred from raising the question of principle when we are confronted with requests for the breaking of contracts dealing with our own affairs.

On Question, Commons Amendment to Lords Amendment agreed to; several of the Amendments to which the Commons have disagreed not insisted on.

THE EARL OF MAYO: I now move, that this House do not insist on its Amendment leaving out subsection 5 on page 2, lines 20 to 23, but that subsection 5 as proposed by this House be amended by omitting the word "twenty" and inserting the word "ten."

On Question, Motion agreed to.

Bill returned to the Commons with the Amendment.

EDUCATION (PROVISION OF MEALS) BILL.

Order of the day for the House to be put into Committee, read.

Moved, "That the House do now resolve itself into Committee."—(*The Earl of Crewe*).

* LORD BALFOUR OF BURLEIGH: My Lords, I want to say a word or two before the House actually resolves itself into Committee. The Bill came on for Second Reading last night, or rather in the small hours of the morning, and we had a most interesting speech from the noble Earl the Lord President in regard to it. I deeply regret that that speech was not delivered to a larger audience, and I still more regret that owing to the lateness of the hour it has not been reproduced in the newspapers. After that speech was made it was agreed that no further debate should take place, but that those of us who had anything to say on the principles involved in this Bill should take the opportunity of doing so before the House actually resolved itself into Committee.

As I have said, the speech which the noble Earl made was in itself extremely interesting. It was most moderate in its tone, and as I listened to it I was almost tempted to think that the noble Earl had made out a plausible case for the Bill. He called the institutions which this Bill proposes to set up "school

restaurants." He almost promised us that in every case the authorities would take payment for the meals which are to be supplied, and he told us that this was more likely to be done if public authorities were in charge of these institutions. He told us that, after all, the Bill was only a permissive one, that the provision as to the use of the rates was most carefully guarded, and that only one halfpenny in the £ was to be allowed. We have heard all these promises and all these prophecies before. If I could only believe that in practice they would be carried out, a good deal of my objection to the Bill would be removed.

But it seems to me that in those arguments the noble Earl left out of sight what I regard as really the gravest and the most serious objection to the departure which it is now proposed to make; and although I am not going to move any Motion hostile to the Bill in its application to England, I shall in the course of its passage through Committee move that Scotland be not included in it. Although I feel strongly the dangers involved in the Bill, I do not feel that I know sufficient about the circumstances of England and the English difficulties to make me interfere or put my opinion against that of noble Lords who are more particularly interested in England. I go a long way with much that the noble Earl said last night. I agree with him to the full that there is a great evil in existence, and one which it would be very desirable to remedy. But, my Lords, this proposal, dangerous as I shall endeavour to show to your Lordships it really is in some of its aspects, will not really cure the evils which exist. You do not go to the real roots of the difficulties by any proposal contained in the Bill. They lie much deeper, and that fact is acknowledged by the Select Committee of the House of Commons. In paragraph 4 of their Report the Committee say—

"It is clear that in many cases no fully effective remedy will be found until an improvement takes place in the habits and surroundings of the parent, but the recognition of this does not absolve us from considering very carefully whether, by legislation or otherwise, some measure of amelioration may not be effected."

And in the next paragraph the Committee went on to say—

“Evidence was laid before the Committee to show that the anæmic or otherwise unhealthy appearance of many children present in school is often erroneously attributed to want of food. It is very difficult to trace the source; it is often due to congenital causes, insanitary surroundings, or work after school hours.”

Surely that is ample proof that, do what you like under this Bill, give what power is possible under this Bill to the school authorities, you will not get to the real source of the difficulties which undoubtedly exist. You require much more far-reaching and deeper remedies. It seems to me you will incur many dangers. You will discourage the good parents who are struggling hard to fulfil their duties to their children under great difficulties, and you will encourage those who are not discharging their duties, because they will put off on to the shoulders of the public the duties which they ought to discharge.

As I understand it, the case under this head for the Bill is that some children go to school insufficiently fed. Inquiry has shown that in many cases that arises from the habits of the parents, who are not really endeavouring to do their duty to their children. If I thought that the meal which you are going to provide would be in addition to that which the child now gets, I would not press this objection so hard; but my fear is that if you give the children what you propose to do and get nothing from the parent for it, as I believe in many cases you will not, you will simply encourage the parent who is not doing his duty to trust to what the child will get at school and that he will proceed to leave off what he is now doing for the child. The last stage of those children would then be worse than the present. You will, as I say, discourage the good parents. Those who are really trying to do their duty will feel that those less worthy than themselves are being encouraged to neglect their children, and they will give up the struggle which they have endeavoured to persevere with up to the present time.

I cannot go deeply into the subject, but I think this is one of those measures

Lord Balfour of Burleigh.

which will tend to disintegrate family life still further than is the case at the present time. There may not be much of it in the case of these poor children, but it is a dangerous thing to interfere with what there is. After all, it is the mutual service of parent to child and child to parent which maintains the bond of union which we know as family life, and I think we ought to do all we can to preserve it; and if the circumstances are so bad that it is really hopeless, it would then be better to separate the child from the parent altogether rather than endeavour to keep up the connection in this sort of way. I appeal also to the lessons of the Poor Law, and to the difficulties which were encountered in England before 1834. I believe that the benefits under this Bill will not go into the family. They will go to the employer of cheap and the worst class of labour. Those who are trembling upon the brink of being submerged will not really be benefited. I venture to think you will encourage the very things which have come to a head in the Metropolitan Unions of Poplar and West Ham, and others which are the subject of inquiry at the present time.

Although the noble Lord thinks he will do things better by bringing in the public authority, it is my fear that that will be an aggravation of the difficulties. I think that voluntary agency is better fitted for carrying on this work than an authority which can draw on the rates. I shall be able, when I come to the Scottish part of the question, to show your Lordships that in Scotland at any rate, voluntary agency is meeting the difficulty at the present time. There are many who in taking relief from public authorities, would not scruple to misrepresent their case, who would cheat public authorities, but who would scruple to do it in the case of private benevolence; and it is much easier for those who are administering private benevolence to make the inquiries which are necessary than for a public authority.

The noble Earl and the Committee, I think, claim as an argument in favour of the system proposed by the Bill that it is better to administer this sort of relief through the education than the Poor Law authority. I hesitate to

express a definite opinion on how that may be in England; but when I come to deal with the Scottish part of the case I shall be able to show that that is an entire misapprehension so far as Scotland is concerned. It seems to me that a great part of the argument in favour of the suggestion is cut away by the fact that this Bill, following the Report of the Committee, says that nothing that is done under the Bill is to be part of the teachers' work. I agree with that. The teachers are not the proper persons to do this. They are hard enough worked as it is, and it is not right that these meals should be provided in schools. I agree with all that; but, if the teachers are not to take part in it, you surely destroy the strength of the argument that the education authorities—

*THE EARL OF CREWE: Teachers are not forbidden to take part; they are neither obliged nor forbidden.

*LORD BALFOUR OF BURLEIGH: I am obliged to the noble Earl for the correction. I was drawing arguments rather from the terms of the Report of the Committee. There is a paragraph in the Report which says distinctly that the teachers ought not to be employed; that they are already hard enough worked, in which I agree; and the Committee also say that meals should not be provided in the school rooms on account of obvious difficulties, such as clearing away, the odour of the cooked food, and so forth. With all that I agree; but I point out that, if this is the case, it does cut away, to a large extent, the argument that education authorities are better than the Poor Law authorities for this work.

Then we are told that this Bill is only permissive. I think that is a fallacious argument, because if one local school authority does it, all the others round about must do it, too, in self-defence. The strength of the chain will be its weakest link. It is not true that in one parish this can be done, and in another it need not be done. What is done in one will react on all the neighbouring parishes. My plea is that we should have further inquiry and more comprehensive dealing with the subject, but I do not move

anything hostile to the whole Bill. I merely place these general observations before the House because I feel strongly that it is a very dangerous and wrong experiment.

THE MARQUESS OF LONDONDERRY: My Lords, having been privileged to occupy the position of President of the Board of Education in the last Government I shall no doubt be expected to say a few words upon this question, which naturally came very prominently before me when I held that position. I agree to a great extent with what has fallen from my noble friend. I recognise to the full the great difficulties in the way of dealing with this important question. I and my colleagues at the Board of Education came to the conclusion that it did seem a waste of money to spend enormous sums in endeavouring to inculcate into children knowledge, of which from physical incapacity and hunger they were unable to take advantage. That is a problem which opens up a very big field for argument.

When I went into the question I found confronting me various classes of parents whose aims and objects with regard to the feeding of their children were entirely different. There were, in the first place, parents who were absolutely unable to provide food of any sort or kind for their children; then there were parents who were perfectly capable of feeding their children but would not go to the trouble and expense of doing so. I interviewed at the Board of Education before the appointment of the Committee on Physical Deterioration the heads of various schools, and the description they gave led me to the conclusion that many children, though given meals, perhaps, late at night, were yet absolutely starved in the earlier part of the day. As I say, I fully recognise the great difficulties in the matter, and I do not at all blame the Government for bringing in this measure to endeavour to feed the poorest children, so that they should be in a fit physical state to benefit by the education provided for them.

In the debates which have taken place in the other House it appears to me that the opposition to this Bill has come rather from Members of the Party represented

by noble Lords opposite, than from Members of the Party to which I have the honour to belong. I rejoice to see that the Bill will encourage so far as possible voluntary aid, because there have been satisfactory arrangements by voluntary contributions made in the past for giving good food to under-fed children. So long as the voluntary associations and the local authorities work together for the common good I cannot but think that great advantage may result. With regard to Clause 2, I should like to ask the noble Earl the Lord President of the Council whether the charge to be made under that clause will be simply the cost of the food or whether it will include a proportion of the cost of the administrative machinery. My noble friend Lord Balfour of Burleigh alluded to the fact that payment will be required from parents able to pay. I know how difficult it will be to collect this money, and yet if it is not collected it will be very hard on the ratepayers. It was recommended before the Select Committee that there should be a system of prepayment, and I think that should commend itself to the noble Earl. We have heard it stated that if this Bill becomes law and the provisions under it are carried out to any great extent it will impair parental authority over the children. Personally I do not attach any great credence to that objection. I am afraid there are a great many children at the present time who do not look upon their parents with that amount of respect which they should manifest, and I cannot see that if these meals are provided, as proposed under this Bill, that respect will be lessened. The principle contained in the Bill has been in force, I believe, for some years in European countries, and it was approved of by a Committee of the House of Commons on which a valued friend of mine, Sir Francis Powell, occupied a prominent place. The Royal Commission appointed by my predecessor at the Board of Education went very closely into the subject, and I do not think that were I at the Board of Education at the present moment I could have refrained from taking some steps in the direction proposed. I do not for a moment oppose the Bill, but in the administration of it when it becomes an Act I hope great care will be exercised so as to distinguish

between parents who are able to pay for their children's meals and those who are not, and that where possible prepayment will be insisted upon.

LORD GRIMTHORPE: My Lords, noble Lords opposite said last night that they considered this an extremely important Bill. I think everyone will agree that it is extremely important for the children. One can only feel some surprise that there should be any shadow of opposition to the Bill from any quarter. I feel convinced that your Lordships are not less anxious to fill the half-starved bodies of the children with bread than to fill their half-formed minds with dogma. If you refer to the evidence given before the Commission on Physical Deterioration you will find that it establishes beyond the possibility of doubt that there is physical deterioration now going on in the nation. Nobody can dispute that that is a fact of the utmost significance, and that it is the duty of Parliament to apply a remedy as soon as possible; and nobody can dispute, I think, that this Bill does apply a remedy and one that is urgently needed. Professor Cunningham, in his evidence, said—

“To restore the classes in which this physical inferiority exists all that is needed is to improve the standard of living.”

Sir Shirley Murphy, the London County Council's Medical Officer of Health, said that—

“Children have to be fed if they are to do the work required of them.”

The noble Marquess opposite referred to what was done in foreign countries. It is perfectly true that in Paris and in Rome the necessity for the children being fed is recognised, and I feel that your Lordships will desire that we in England should not less recognise this necessity than Frenchmen and Italians. Lord Balfour of Burleigh said you would not cure the evil by this Bill. But he admitted the evil. Is not this emphatically a case where half a loaf is better than no bread?

The objections that are brought against this measure can be summed up under three heads: (1) that it diminishes the responsibility of parents; (2) that it will dry up the springs of charity; and (3) that it will throw an extra burden on

the rates. I think that in this matter we have to consider not the parents but the children. The children are the paramount consideration. It may be true—I admit it for the sake of argument—that it will discourage some struggling parents. Yet what does that matter? It is far more important that the children should grow up healthy and strong. In a great many cases the parents are already demoralised owing to having themselves been insufficiently nourished in their youth. Because they suffer from those conditions that is no reason why we should inflict similar conditions on the children. Lord Balfour of Burleigh said it would discourage struggling parents and break the bond of family life. I do not see that those results are likely to follow because children are better fed. On the contrary, experience in this matter shows us that the sense of parental responsibility will be increased rather than decreased. When the parent sees that his child is regarded by the nation as a valuable national asset he himself will think more of his child, for it is a psychological truth that our estimate of the value of anything we possess rises in proportion as other people rate it highly.

We are told that the Bill will dry up charity, but charity does not do all that is required in this matter. We read in the Report of the Committee—

“No voluntary association could cope with the full extent of the evil.”

And at this present moment we are told, on authority, that in London there are 122,000 underfed children, or 16 per cent. of the whole, so that, notwithstanding the operations of charity, thousands of children are allowed to starve. Charity is smallest in those districts where the need for it is greatest. Take Lambeth. There are said to be 90 per cent of the children in the schools of Lambeth unable to attend properly to their lessons because they are under-fed. That is a case which charity cannot deal with but requires to be supplemented by the State. If it is supplemented by the State I do not believe that charity will be dried up. But even so, charity may bless him that gives, but I question whether it blesses him that takes. The truth is that charity is but the plaster

that only partially conceals the wounds in our social system, and sometimes it aggravates rather than palliates them. We know that the best among the working classes do not like to receive charity. They feel humiliated by being put into a position in which they are obliged to receive charity. These men in the working classes do not ask for charity but for justice. They ask for such voluntary effort as will lead to improvement in the social conditions and do away with the necessity to receive charity on the part of the working classes.

It is said that the cost of this Bill will put an undue burden on the rates; but the cost of the measure is trifling compared with the results that are likely to flow from it. I saw it stated in the House of Commons that if the full $\frac{1}{2}$ d. rate was extracted it would only amount to £360,000 for the whole of England. Really when it comes to a question of feeding starving children it seems to me beneath the dignity of Parliament to consider the question of so small a sum. The nation is piling up its armaments by £40,000,000 a year, and yet you object to these meals being given to the children because they will throw this trifling burden on the rates. If £10,000,000 out of the £40,000,000 spent on armaments were spent on improving the physique of the nation it would be one of the best investments this country could make. In Paris, where there is no machinery for recovering the cost of the meals from the parent as there is in this Bill, 10,000,000 meals are given to children every year for £40,000. The noble Marquess opposite, Lord Salisbury, startled the House during the debate on the Education Bill by saying—

“The parents are standing at the Bar of this House.”

In this case it is the children who are standing at the bar of this House asking to be fed, and I feel convinced your Lordships will not refuse their request.

THE EARL OF MEATH: My Lords, as one who has taken a humble part in social reform I desire to thank His Majesty's Government for having brought in this Bill. I hope the reception which it has obtained will prevent noble Lords on the Government Benches from ever

saying again, as one noble Lord did the night before last, that there was only one individual on the Conservative Benches who was interested in social reform. The reception which this Bill has received at your Lordships' hands is most gratifying, as it shows an immense advance in public opinion on this question in recent years.

Those who are able to remember the attitude taken by Parliament twenty-five years ago will recognise how impossible it would have been at that time to have brought in any Bill like this with the smallest chance of its being accepted. We are all most thankful to His Majesty's Government for the introduction of this Bill. We feel that it is a question of quite first-class national importance that the children of the country should be properly fed, and we feel that the country cannot maintain its position unless we get in the future generations of strong and stalwart men and women. The only criticism which I wish to make about this Bill is to express regret that the cost has not been wholly thrown on the rates. If you ask for voluntary contributions there will be a certain number of people who will try and place their children on the list of those who are to receive meals and who ought not to do so. If the money was obtained from the rates you would have no hesitation in saying that any parent who could pay but did not do so should be punished. That is the only criticism I have to make, and I hope that even now it will be possible to alter this provision so that the parent who puts his child on the list and can afford to pay shall not get off scot free. With that single criticism I desire to express my most hearty approval of the Bill.

***LORD REAY:** My Lords, I rise because I dissent from the opinion expressed by my noble friend on the Cross Benches. There is absolutely nothing which is objectionable in supplying food to children by a voluntary association. I am speaking from personal experience. In the London schools we have had various agencies. Among others we had what was called the London Schools Dinner Association. That body discharged its duty with great discrimination.

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I agree with my noble friend Lord Balfour that the evil goes much deeper and cannot be cured merely by supplying a meal to the child in the school. The root of the evil is in the homes of the children, and unless and until you find means to increase the sense of parental responsibility you will do more harm than good. The Bill, however, contains the safeguard that provision of food out of the rates will only be authorised where other than public funds are not available or are insufficient in amount to defray the cost of food. I have no doubt that the Board of Education will not allow the rates to be used until voluntary effort has been proved to be inadequate. I certainly consider that voluntary effort should be encouraged and not discouraged and that relief from the rates should be given as a last resource. I was very glad to hear from my noble friend the Lord President of the Council that there is nothing in the Bill to prevent teachers from dealing with the question where they are willing to do so. I do not, of course, desire that there should be the slightest compulsion. The teachers are the best judges of the wants of the children. They are aware of those children who require these meals and whose parents cannot afford to pay for the meals.

With regard to the question of the responsibility of the parent, I would point out that in fifteen cookery centres in London 75 per cent. of the money claimed for meals was repaid by the parents. This shows that there is no unwillingness to make the payment. Another alteration has been made in the Bill which I was very pleased to see. I refer to the word "meals." The original idea, I believe, was to give dinners. Now the meal can be given in the morning. That is a very important alteration in the Bill, for undoubtedly the need is often greater in the morning than in the middle of the day. I think I have said enough to show that the Bill, with the limitations proposed in Clause 3 and with the contents of Clause 1, is of such a nature that we need not fear that in England, at all events, it will lead to a decrease of the sense of parental responsibility; and I agree with what fell from the noble Marquess the late President of the Board of Education that there is, as regards England, un-

doubtedly need for the introduction of this Bill.

LORD AVEBURY: My Lords, during the last few days your Lordships have been expected, in addition to dealing with the education of the country both primary and secondary, to alter materially the law in regard to merchant shipping, workmen's compensation, land tenure, and that relating to trade disputes against the general protests of manufacturers. Yesterday, on almost the last day of the session, and after midnight, we were asked to pass the Second Reading of a Bill permitting, I might say inviting, local authorities to feed the children of the country and to relieve parents from the serious but pleasing duty of doing so.

The question is not quite so simple as Lord Grimthorpe and Lord Meath seem to suppose. This Bill is certainly a great stride in the direction of Socialism. It is a measure to feed not necessitous and starving children but all the children in national schools. The Charity Organisation Society, in an article in their Review for March, 1905, show that even in very poor schools the number of really necessitous children is only about one in 300, and in schools generally not one in 1,000. These cases should, of course, be dealt with. The best plan would surely be that the cases of children who come insufficiently fed should be reported to the relieving officer and dealt with by the guardians. In an interesting article in the Charity Organisation Review for June, 1905, Sir Arthur Clay says—

"If the report of the visitor inquiring on behalf of the Relief Committee should show that the means of the parent are such as to enable him to maintain the child, and that its distress arises from neglect to do so, they should apply for a summons calling upon the parent to answer for this neglect; the justices would then, on being satisfied as to the means of the parent, make an order for the admission of the child to a day industrial school, and determine the weekly amount he should pay, the alternative to payment being imprisonment. The Relief Committee would provide for the supply of meals (if necessary) to the child pending the result of the hearing of the summons. If the Relief Committee, after hearing the report of their visitor, should consider that the parent is not in a position to maintain the child, they would then consider whether an application to the guardians is desirable, and if this should be their conclusion they would inform the parents, and in the event of refusal to make the application, would take steps to prosecute the parent under the law for the protection of children."

The Bill, on the contrary, proposes to feed not only the one necessitous child but the other 999 also. No doubt the Bill is permissive, but I presume the Government consider that some local authorities will adopt it, and in that case probably others will follow. Doubtless we shall be told that the amount is to be recovered, but there will be the same difficulties as arose in the case of fees. Under the Bill local authorities may be running, and I presume many will be running, restaurants all over the country. Take the case of the London County Council, already so much overworked. In the debate on the London Education Bill of 1902, Sir H. Campbell-Bannerman spoke of—

"The overworked London County Council," adding that—

"The duties are more vast and more trying than those undertaken by any other such body on the face of the earth."

In the same debate Sir Edward Grey said—

"No man could touch the work of education in London and do it properly, and give any attention whatever to the other work falling within the province of the County Council."

Mr. Birrell said that—

"It was his belief that the task imposed on the London County Council to superintend the teaching of 750,000 or 800,000 children was a task beyond their power."

Yet they are invited to provide thousands of restaurants for 1,000,000 children—with kitchens, cooks, waiters, and all the innumerable necessities which will be required. The Bill, like all similar arrangements, will tend to lower wages, but this is not all. The child when this Bill passes, may be taught, have his playground, and be nursed and fed, away from home. Meals are a most important part of home and family life—not merely for the body, but for social life. At them parents and children meet, they come to know and love one another, and the part I most regret in this Bill is the effect it will have in weakening home ties and undermining family life.

***THE EARL OF CREWE:** I may perhaps be allowed to say one or two words upon this question. I have listened with great interest to the remarks made by my noble friend Lord Balfour of Burleigh, and I admit the force of much that

he has said. He seemed to imply that this question of the feeding of the children is not a very large one, and he stated that it was less important because there were so many other circumstances affecting the health of the children, such as bad housing, the bad atmosphere which they slept, and many other disadvantageous surroundings. Consequently he implied that it was not much use attempting to improve their condition by simply feeding them in the schools. The noble Lord was good enough to say that he had heard many of my arguments before. I may say that I have heard that argument before, and it is an old argument that because you cannot do everything to set matters right therefore it is not worth while to do the thing which you are asked to do at any particular time. It is perfectly true that until the great housing problem is really tackled by Parliament and the country no amount of Bills like this will ensure that all children shall come to school in a healthy condition. I do not think, however, that that is any reason for not dealing with this portion of the question while we can. My noble friend Lord Balfour of Burleigh seemed to me to fall into another error, if he will forgive me for saying so. He spoke of the loosening of parental responsibility and the possible breaking up of family life. Now, if all children were given food at home, and there was a proposition to take them all away and feed them somewhere else, there would be much in that argument, but the noble Lord seems to ignore the enormous scale upon which this system of feeding children in schools is carried on at the present time. Perhaps he will remember the figures which I gave upon a former occasion. I may say that the number runs into thousands, and that is the existing state of things. Therefore I think we may dismiss the argument that we shall be undermining parental responsibility by a modest measure of this kind. I think it must be admitted that so far as parental responsibility is concerned it does not greatly matter whether the child is fed out of the pockets of charitable people or out of the rates. There may be a certain amount of demoralisation in both cases, and there may be arguments of other kinds against using the rates; but as far as the parent

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is concerned, if he can afford to pay, and on that assumption he gets his child fed by charitable people, it seems to me that he is in no sounder position, nor is the fibre of his character likely to be more strengthened, than if the child was fed out of the rates. My noble friend Lord Londonderry spoke, I was glad to hear, of this measure with general approval. He asked me a question about the manner in which the cost of the meals was to be calculated, but as that is an issue which is directly raised by the second Amendment on the Paper, I think I had better postpone dealing with it until we come to that clause. My noble friend the Earl of Meath expressed a desire that all these payments should be made out of the rates if made at all, and that it should be made severely penal for the child of any parent to receive a meal if the parent was in a position to pay. Now, of all things that it is difficult to discover, this question of the ability of the parent to pay is one of the most difficult. The number of circumstances which are brought into play in determining that fact are extremely numerous, as I think we shall find when we come to discuss the clause. It is almost hopeless to attempt to arrive with any degree of certainty at a decision in regard to ability to pay. You may try, and must try, to make the parents pay where you can. That, of course, is exceedingly proper, and you can pursue them by legal process if they are in a position to pay and will not; but to place the whole of this burden upon the rates, making it practically a Poor Law matter, is apparently what the noble Earl means.

THE EARL OF MEATH: I suggested placing this matter under the control of the Board of Education.

*THE EARL OF CREWE: In any case the noble Earl's suggestion seems to me unfortunate on other grounds, because after all there is a large mass of voluntary effort involved which it is our object to encourage and continue, and consequently to give up all hopes of voluntary assistance by placing the charge directly upon the rates would be a very uneconomical thing to do. The noble Lord who has just sat down objects to some important provisions in our Bill, and I may add

that I think he put his case before the House in a very moderate tone. When we come to his Amendments I am hoping that we may be able to persuade him not to press them.

LORD CLIFFORD OF CHUDLEIGH: When this matter came before the County Councils Association for consideration, they very rightly gave their approval to the general principle of the Bill, but they declined to express any opinion upon what the noble Earl has told us are the debateable portions, viz., Clauses 3 and 4. There was no part of the noble Earl's very admirable speech last night which impressed me more than his argument with regard to the educational necessity of providing these means. It is not, as he said, very rightly, so much in many cases the absence of food as the improper feeding of the children, and therefore there is nothing which comes more under the educational system as a matter of necessity than the provision of these meals. I believe we can do a very great deal by teaching the rising generation what is wholesome and nourishing in food, and what is inexpensive, by a system of this kind. It is also extremely proper that the public should be put to the expense of providing facilities for this very beneficial educational work. The difficulty arises, however, when you begin to provide the actual food which is consumed and provided without any charge to those who receive it. As has already been pointed out, it is this particular point which is apt to destroy the voluntary efforts which are now made, and so successfully made, to supply this great want. I am afraid that if every inducement to keep this matter off the rates is not made, voluntary efforts will slacken, and the expense will be thrown to a very large extent upon the community, to the great detriment of the movement. I think that in Clauses 3 and 4 lies the danger of the Bill. I hope when the Amendments of my noble friend behind me come to be considered they will get the support which I am sure they deserve. If every possible means is not taken to prevent those who avail themselves of this advantage not being also obliged to pay for it, in the course of time I am afraid that private charity and benevolence will

become so weak that the entire expense of this very excellent voluntary work will be thrown upon the rates, to the great detriment of the movement and to the great expense of the community.

On Question, Motion agreed to.

(In the Committee).

[Lord BALFOUR of BURLEIGH in the Chair.]

Clause 1:—

LORD AVEBURY moved an Amendment limiting the provision of meals to children "who upon inquiry at the child's home shall be found to be in need of food."

He said he would not trouble the Committee with any long observations, as they had already listened to his views upon the Motion to go into the Committee. The object of his Amendment was that instead of feeding the whole of the children, only those who really required it should be fed. They all agreed that it was most important that the poor children who required food should be fed. The difference between them lay, in the first place, in the manner in which this should be done, and whether in order to provide for a small number of children they should undertake the enormous organisation of making preparations to feed all the children in the country. The Charity Organisation Society had taken some trouble to ascertain what proportion of the children really required food, with the result that in a very poor school in a poor locality they found on an average that the number of children who were underfed was about 1 in 300. That was in London, but he was inclined to think that taking the schools of the whole country 1 in 1,000 would be nearer the real proportion. For the needs of this very small minority of the children under this Bill they could arrange an enormous organisation which could not help being a very expensive arrangement. But that was not the most important objection. He could not help feeling that this proposal would have the effect not only of weakening parental responsibility, but also of weakening the ties which united the parents to their children. If his Amendment was accepted the children who really required food would all have it.

There would also be another advantage. As the Bill stood no doubt the children would be fed, but if a proper inquiry was made into the conditions of the home, many other matters which undoubtedly led to the unhealthiness of children could also be discovered, and could be dealt with accordingly. As Lord Balfour of Burleigh had said, in a great many of these cases even where it seemed that the children were anæmic, the real fact was that they were suffering from unhealthy conditions in their homes, and not so much from the want of food, as from the fact that their food was badly cooked, badly prepared, and very unwholesome. If they limited the supplying of food to the children who really required it in the manner he suggested, not only would they save a very large expense which this Bill would involve, not only would they avoid any danger of interfering with parental responsibility in the case of a larger number of children, but as regarded the particular children affected they would do much to remedy those other conditions which were so largely the cause of unhealthiness in the children. He begged to move his Amendment.

Amendment moved—

"In page 1, line 8, after the word 'area,' to insert the words 'who upon inquiry at the child's home shall be found to be in need of food.'"—(*Lord Avebury.*)

*THE EARL OF CREWE: I hope the House will not accept the noble Lord's Amendment, although it has been moved in such moderate terms. The Amendment proposes to amend not only this Bill, but also the practice obtaining at the present time in hundreds of schools. At the present time charitable people supply these meals for the children, and they are fed not because anyone has gone to see into their home conditions, but because in the opinion of the teacher they require food. Quite apart from the fact that none of the cost is attempted to be recovered, these funds continue to be supplied by voluntary agency. This Amendment would limit in a singular way the discretion of the people who, at present, apparently are perfectly content to provide these large sums by way of charity, and to trust those

Lord Avebury.

in charge of the schools to see that the food is given to those who stand most in need of it. The noble Lord and the Committee will see that this change is proposed to take place not because the authority supplies the cost of the food, but because it merely supplies a room in which the feeding takes place. The mere fact of the authority under this clause setting aside a room for the purpose would not interfere with these charitable people, but this Amendment would make it only possible to feed a child at school after inquiry had been made into the circumstances of the home of the child. The noble Lord pointed out with perfect truth that in a great many cases it was not so much a question of the shortage of food, as the supplying of an improper kind of food, and food being given at the wrong time, that caused the children to be unhealthy. Those are just the children who might most properly be fed at the school, the cost being afterwards recovered from the parents. As I read this Amendment, that class of child is entirely excluded from the purview of the noble Lord's proposal, and it would only be possible in the case of a child who, after inquiry at its home, was discovered to be actually in a semi-starving condition, that any food could be given. That would narrow in a most unfortunate way the operation of the clause, and I trust the noble Lord will not press his Amendment, or, if he does, I hope the Committee will not accept it. It seems to be the opinion of all those who are most competent to judge that the teachers have an extraordinary knowledge of what is needed. They know the children individually, and they are able to judge, as soon as they have had a little experience of the children, whether the incapacity of a child to absorb its lessons to any useful purpose is due to shortness of food or improper feeding, or to something entirely different. I think we may very safely leave this matter in the hands of the teachers.

THE MARQUESS OF SALISBURY said the immediate object of this Amendment was to bring the Government's proposals within reasonable limits. He did not gather from the speech of the noble Earl last night whether or not the Government had contemplated that meals

should be afforded only to the children who really required them, or whether they were to be supplied to all children in return for payment. As the Bill stood, all children might have the meals if the intention of the Government was carried out, and the cost, in the case of those who could afford to pay, would be collected from the parents. He took the proposal of the Government on their own showing, and if what he had just stated was the conception of the Government, all he could say was that they were entering upon an enormous organisation from which he would have thought the noble Earl opposite would have shrunk. He did not think the Committee appreciated the difficulties of the enormous organisation which would be required to provide meals for every child. His noble friend Lord Avebury, by his Amendment, proposed to keep it within reasonable bounds by limiting the measure to the children who were actually in need of food, but the Government had refused that proposition. Personally, he held that it was a matter the responsibility for which ought to rest upon the Government. If they really thought they could act successfully as universal food providers, setting up a sort of restaurant for every child in every school, then the responsibility must be upon their shoulders. As his noble friend had already pointed out with such tremendous force, a heavy responsibility would be thrown upon the local education authority. An extract had been quoted from a speech made by the present Minister for Education, showing how heavy were the responsibilities thrown upon the local authorities in London by the Education Act, and the noble Earl now proposed to add to that the further responsibility of feeding every child attending public schools without any investigation as to whether those children required such food or not. He did not propose to ask their Lordships to resist this proposal made by the Government, which was such a remarkable one, but he was none the less very glad that the noble Lord had moved this Amendment.

LORD CLIFFORD OF CHUDLEIGH said the question was not an inquiry into the condition of the home of the child, but whether the child really required to

be fed. He thought that some provision was required to limit the Bill to the actual needs of the case unless the Government absolutely intended that restaurants should be provided at which every child who liked to demand a meal could be supplied with one. That was surely not the idea in the noble Earl's mind, because he had told them that it was for the teacher to consider whether a child did or did not stand in need of a meal.

LORD GRIMTHORPE said the noble Lord appeared to think that a casual visit from the local authority would meet the case put forward. Under this Amendment a visit would have to be paid to the child's home. Was it intended to pay that visit with or without notice? How were they going to inquire into the internal circumstances and conditions under which a child lived? It would be extremely difficult to carry out the Amendment which had been proposed by the noble Lord. In his opinion the provision contained in sub-section (1) of Clause 2 met the case, because if a parent did not pay for the cost of the meal when he was in a position to do so, a compulsory visit could be made by a representative of the local education authority, such as the noble Lord desired to see made in the first instance.

*THE EARL OF CREWE: I must say a word in reply to the alarming prospect which has been held out by the noble Marquis opposite.

THE MARQUESS OF SALISBURY: I held out no alarming prospect. It is the Government who hold out the prospect.

*THE EARL OF CREWE: In reply to the noble Lord I was trying to deal with the actual matter with which his Amendment dealt when he spoke of children in need of food. It is no doubt true in theory that if a local authority can get the funds to do it charitably there is nothing to prevent them from offering food to all the children in the schools, and erecting buildings which would be appropriate for the purpose. It is also true that we do not contemplate

that local authorities will endeavour to embark upon these very large feeding schemes. What we think will probably happen is that a very large number of the underfed children will get food. We hope also that a certain number of children of the kind I have described, who are not so much underfed as wrongly fed, may be regularly fed at the schools. There will no doubt always be a certain number of others who for one reason or another, possibly because their mothers go out to work, or happen to be ill, or because they live at an extreme distance from the school, will often have their meal at school. I do not see anything so monstrously objectionable in that. No doubt there will be a large number who desire their children to come home to their meals. If charitable funds are forthcoming the noble Lord will see in Clause 3 that the raising of a rate is contingent upon the consent of the Board of Education, and that consent is renewable every year. It does not follow that because the Board of Education allows this privilege once it will be compelled to allow it again. If, therefore, the Board of Education think undue extravagance is being used, or that the sum which is raised by this half-penny is being extravagantly expended, they will always have it in their power to refuse their permission to raise the rate. If any check is needed the power exercised by the Board of Education will operate as a practical check upon the local authority.

LORD AVEBURY thought his noble friend Lord Grimthorpe appeared to think there would be a great difficulty in finding out whether a child wanted food or not. The President of the Council had just told them that the teachers knew pretty well which children required feeding. He asked the Committee to consider the vista which was opened to them. They knew the enormous expense of keeping up the schools. The children could not have these meals in the schools, and if this Bill was adopted they would have to duplicate the whole of the school buildings throughout the country where the meals were to be given. He did not wish to press the actual words of his Amendments if any reason could be shown

The Earl of Crewe.

why they were not applicable. If some other better words were suggested he was quite willing to accept them. The real question was were they to give meals only to the children who really required them, or were they to undertake a gigantic system of feeding the whole of the children in this country.

THE MARQUESS OF SALISBURY said he could not admit what the noble Earl had stated. This was not a question merely of subscriptions or of rates. He quite realised that the change which his noble friend proposed, unless it was carefully drafted by Government draughtsmen, might have consequences which would upset the whole framework of the Bill, and he could not take upon himself the responsibility of advising his noble friend to persist in his Amendment.

On Question, Amendment negatived.

Clause 1 agreed to.

Clause 2:—

LORD AVEBURY moved an Amendment providing that the charge should not be less than the entire cost incurred by the local education authority. He wished to know whether these meals were to be self-supporting, or whether the local education authority was to be allowed to supply them at a nominal cost and charge the difference upon the rates. The principle ought to be that the parents of those children that could pay should pay a reasonable amount for the meals. Of course those who could not afford to pay would come in a different category. A great many of the parents of the children at elementary schools were in receipt of good wages and in other respects were fairly well off, and where they were not necessitous children he thought the parents ought to bear the full cost of the meal.

Amendment moved—

"In page 1, line 22, after the word 'authority,' to insert the words 'provided that such amount shall not be less than the entire cost incurred by the local education authority.'"
—(Lord Avebury.)

*THE EARL OF CREWE: I admit that this is a question of some considerable

difficulty. On the face of it it seems reasonable that the entire cost should be paid in all cases where a parent is able to pay. I desire to point out, however, that this is an extremely difficult thing to secure. The noble Marquess Lord Londonderry put a question as to whether the interest on the outlay mentioned in subsection (3) of Clause 1 included the interest upon the furniture, buildings, and apparatus. Speaking generally, I think it is safe to say that it will not. Your Lordships will be aware that there are a number of secondary day schools where a meal is provided at cost price, and they are attended by children of parents of very much the same class as those who attend some elementary schools. When these meals are to be paid for I do not think any consideration of the capital outlay on the buildings comes into the calculation of those who supply the meal. Consequently I think it is clear that it is not reasonable in this case to say that the cost must include the interest upon these different items. There is a further difficulty more or less involved, and it is that it is exceedingly difficult to say what a particular meal really costs. Take for instance the difference between supplying meals in winter and in summer. In the winter perhaps you might have a very large number of children upon the feeding fund, and then the meal can be provided at a cost, say, of one penny. It might happen in the summer time that an identical meal would cost those who provided it double that amount, say 2d., owing to the fact that only about fifteen or twenty children came upon the feeding fund in the summer. Would it be practical on this account to be continually changing the charge of the meals, the food being identical, on the ground that at one time more children took advantage of the meal than at another time? In considering this matter I think it is important to bear in mind the fact that at the present time a large number of children whose parents might pay for them are receiving these meals under the voluntary system. No attempt is made under the voluntary system to get any money back for the meal, and it is quite erroneous to suppose that all the children being fed at the present time have

indigent parents who cannot afford to pay from time to time a 1d. for these meals. If you are going to have a joint fund, partly charitable and partly out of the public funds, those who supply a share of the fund might not even desire that the food should be charged to the parents of the children. There is a still further element in the matter to be considered. You have to look at the question from the point of view of the very poor parents. Some parents if they could do what they liked would not send their children to school at all, but would keep them at home to earn a few pence. That, at present, you forbid the parent to do. We have lately heard a great deal about the rights of parents, but at this stage Parliament interferes and says that the child would be better off at school, although the parent thinks the child would be better occupied earning a few pence instead of learning a number of things which the parent believes will be perfectly useless. You interfere with parental discretion to that extent, and it seems to me reasonable that you should not be absolutely rigorous about these very poor parents returning every fraction of the cost of the meal. I think you will find that if you try to bring this thing to an absolutely rigid mathematical exactitude, it will be found that something of an overcharge will be made, and meals will be provided absolutely at a profit. That would be a most regrettable thing, and I hope the Committee will be content to leave the Bill in the state in which it stands at the present time.

LORD AVEBURY said he certainly did not intend to imply by his proposal that the charge should cover the interest on capital. He thought the noble Earl had raised many imaginary difficulties as to the possibility of telling what these meals would cost. As a general rule he thought the cost should be fixed at a price sufficient to cover the cost of the food, and he would like to know whether the noble Earl would agree to adopt words which would carry out that suggestion.

*THE EARL OF CREWE: I am sorry I cannot meet my noble friend for one of the reasons which I have already explained. Take for instance the case of the meal which varies in price owing to the time

of the year and the difference in the number of children attending. It seems to the Government only reasonable that the authority should not be compelled to ask for the whole figure, and for that reason I cannot accept the Amendment.

On Question, Amendment negatived.

THE MARQUESS OF SALISBURY called attention to the words of Clause 2 which provided—

“Unless they are satisfied that the parent is unable by reason of circumstances other than his own default to pay the amount.”

Clearly it was impossible to recover if the parent was unable to pay, and whether it arose from his own default or not appeared to him to make no difference. Unless the noble Earl could explain the point he would move to leave out those words.

THE EARL OF CREWE: This point has not been brought to my notice before, and it is purely a lawyer's point. It seems to me in looking at the words that they express what is intended. I should like the opinion of the Chairman on the point.

THE MARQUESS OF SALISBURY said in the absence of an explanation he should move that the words be omitted.

Amendment moved—

“In page 2, line 1, to leave out the words ‘by reason of circumstances other than his own default.’”—(*The Marquess of Salisbury*.)

*THE EARL OF CREWE: Does the noble Marquess think that the words do any harm or is it merely a question of style?

On Question, Amendment negatived.

THE MARQUESS OF SALISBURY moved to substitute the word “shall” for the word “may,” so that the clause would read ‘and such amount shall be recovered summarily as a civil debt.’

Amendment moved—

“In page 2, line 3, to leave out the word ‘may’ and insert the word ‘shall.’”—(*The Marquess of Salisbury*.)

The Earl of Crewe.

THE EARL OF CREWE: This is a mere drafting point. I should have been delighted to meet the noble Marquess in reference to the words to which he objects, but they have been put in by lawyers and it would be better not to have them struck out by laymen.

THE MARQUESS OF SALISBURY: Words are frequently put in by laymen in the House of Commons.

LORD BALFOUR OF BURLEIGH hoped the noble Lord would not press this Amendment. He did not think the word ‘shall’ would be appropriate, because it might be ordering the local authority to do an impossibility.

THE MARQUESS OF SALISBURY said if the words to which he objected had been struck out there would have been no question of ability to pay. Had he thought it was a mere drafting point he would not have proposed it, but he was afraid that under the cover of the word “may” the local authority might reserve a right not really to enforce the policy of the Government, but to leave unrecovered these debts incurred by parents who were not indigent and fall back upon the rates to make up the deficiency. That was a substantial point, and not a mere difficulty as to drafting. If the noble Earl assured him that it was nothing but a drafting point he would not press his Amendment.

*THE EARL OF CREWE: I am sure that the word “shall” in Clause 2 on page 1 governs the whole clause. The words are “it shall be the duty of the authority.”

THE MARQUESS OF RIPON: The word ‘may’ applies to the process by which this money may be recovered and renders it possible to recover the money summarily as a civil debt.

On Question, Amendment negatived.

Clause agreed to,

Clause 3:—

THE MARQUESS OF SALISBURY said that the local education authority were

cannot be applied to the Board of Education for payment to pay a rate when they had ascertained that funds other than public funds were not available or were insufficient to defray the cost of such support. This seems clear—

"And have ascertained that some other law which would not authorize it to be levied as a means of raising the cost of the education of their own children."

Is that even the local education authority has been entitled to apply to the Board of Education for power to levy a rate. He thought there ought to be a further restriction as regards the parent who would not pay. This was all of those matters upon the finding of Clause 1. He would like to know whether the local Board had had the finding of the above finding before him.

*THE HON. MR. CREWE. There have been several matters. There was another Bill as this subject introduced by a private Member in the House of Commons, but of that the Government do not wish to say anything. There was another Bill with the same purpose is pending.

THE MEMBER FOR SALISBURY thought the local Board would see the force of the point which appeared to be contemplated upon Clause 1. Clause 1 provided to provide that where the parent was able to pay no rate should fall upon the local education authority and that authority under Clause 1 was only entitled to raise a rate under certain conditions. One of the circumstances under which the local authority would not raise a rate was where the parent would pay. Therefore it thought the words he proposed should be inserted as well as the other conditions so as no other funds being available.

Amendment moved—

"In page 1 line 17 to insert after the word 'and' the words 'and that the parent is unable to pay the amount.'—*The Member for Salisbury*."

*THE HON. MR. CREWE. I am afraid it is not possible to accept this amendment, because it would almost prevent the raising of a rate in most instances, and appearing in vain.

not only in this but in a wide area. The feeling of a mind with this fact had been discovered. The rate will not be raised where it is a matter of local authority that there are rather more children than can be fed by the public funds which are available. They will then apply to the Board of Education, and they will have to show in the first place that there are a certain number of children who are not able to get the benefits of education owing to lack of food, and they will have to make a case to the Board of Education that funds other than public funds are not available. They can then ask the Board of Education to allow them to raise such a sum as will supply the deficiency. If it was necessary at any given moment to prove that no child had been guaranteed fed whose parents might conceivably be in a position to pay for the meal it would render the operation of the whole clause to such an extent that it might easily prevent the authority from ever being able to raise a rate at all. The local authority may have the means before their doors, the means, and they cannot receive from the parents and the means are supplied. Therefore the amendment would prevent them from supplying meals at all. It does not seem to me a very rational proposal and although I have not had time to consider it very carefully, I do think I cannot accept it.

MR. AVERBURY said he did not see how the suggestion of the noble Marquess would prevent the local authority from raising a rate under the conditions set down.

THE MEMBER FOR SALISBURY said the local education authority would have to look into each individual case because they would have to satisfy themselves that a particular child was not fit to be taught. While the authority was making that investigation, surely inquiries might be made whether the parent was unable to pay and after those conditions had been verified the local authority would apply to the Board of Education for power to levy a rate.

*THE HON. MR. CREWE. I do not see the object of adding those words. I

think the danger would be that somebody might say the authority had not really tried to recover the money, that the parents might have paid after all, and it would therefore be improper to have a rate raised. I hope that the noble Marquess will not press this Amendment.

THE MARQUESS OF SALISBURY asked if the noble Earl would consent to the words he had proposed being inserted now. If it was ascertained by the Report stage that the words ought to come out he would not resist that course being taken.

*THE EARL OF CREWE: I am afraid we must get this Bill through all its stages to-night, so there is not much time to spare. If the insertion of the words would do anything which the clause does not do already it would be quite another matter. I do not wish to repeat myself, but the normal operation of this transaction is surely governed by the words that the children "are unable by reason of lack of food to take full advantage of the education provided for them." That discovery has to be made in the first instance.

THE MARQUESS OF SALISBURY said he would not press his point. The difficulty they were in illustrated the extreme inconvenience of legislating under this kind of coercion. Although he had been unable to extract any satisfactory reply from the Government why the words he proposed should not be inserted, they would not allow them to be put in because a mistake might be made, and there would be no opportunity of setting it right. They were asked to pass this Bill through all its stages, at this sitting, but if the legislation suffered in consequence it would be entirely the fault of the Government.

THE MARQUESS OF RIPON: I remember an occasion during the last session of Parliament upon which the Aliens Bill introduced by the late Government was before the House, and then the Government did not venture to move even their own drafting Amendments because they were afraid they might lose the Bill if they did.

The Earl of Crewe.

Amendment, by leave, withdrawn.

Clause 3 agreed to.

Clause 4:—

LORD AVEBURY moved an Amendment to leave out the words "and the failure on the part of the parent to pay any amount demanded under this Act in respect of a meal." He thought their Lordships would agree that this was an important matter. Clause 4 provided that—

"The provision of any meal under this Act to a child and the failure on the part of the parent to pay any amount demanded under this Act in respect of a meal shall not deprive the parent of any franchise, right, or privilege, or subject him to any disability,"

As far as the first part was concerned, which merely applied to the provision of any meal, they would all be agreed, but surely the second part which provided that the failure on the part of the parent to pay any amount demanded from him under this Act should not deprive him of his right to the franchise was a far more serious proposal. The idea of the Bill and of the Lord President of the Council was that the parents would generally pay, and therefore the expense would not be very heavy. If, however, they told the parents that whether they paid or not they were not going to be deprived of any right, privilege, or the franchise, that would be a great encouragement not to pay. If they did not pay he did not think they ought to have a voice in reference to the expenditure of rates and taxes to which they did not contribute. He was very anxious to encourage the very honourable feeling which existed so strongly among the people of this country against being dependent upon rates and taxes. The words he proposed to omit appeared to him to destroy the independence of our countrymen, and for these reasons he begged to move his Amendment.

Amendment moved—

"In page 2, line 27, to leave out from the word 'child,' to the word 'shall,' in line 29."—
(*Lord Avebury.*)

LORD CLIFFORD OF CHUDLEIGH supported the Amendment for the reason

he had previously given. He did not wish to take away any impediment which stood in the way of persons neglecting to pay for these meals. The effect of parents neglecting to pay would dry up the funds of private charity, and would tend to throw the whole expense upon the rates. The noble Lord opposite had reminded them that this was a question of the child and not of the parent. He was in favour of doing everything he could for the child, but he was ready to put every difficulty in the way of parents shirking their responsibility and throwing the cost of feeding their children upon the rates.

*THE EARL OF CREWE: I hope the Committee will think twice before it accepts the Amendment of the noble Lord. This is by no means an isolated proposal. If it had always been the rule for people who came on public funds to be disfranchised your Lordships might very naturally say that we were now establishing a dangerous precedent, but as your Lordships know perfectly well that is by no means the case. Only last year the Government passed the Unemployed Act, and it was carefully provided that those who took advantage of it should not be disfranchised. There are other cases more germane to this measure. The various Medical Relief Acts embody the principle that if a man gets medical or surgical relief for his child he is not to be disfranchised, and even if a child goes into the infirmary it is treated there and fed at the public expense and the parent does not lose his vote. If there is no disqualification in those cases I cannot conceive why there should be in this instance. Going back to the Education Act of 1870, your Lordships will remember that when a parent could not pay the school fees he did not lose his vote. Under the hospitals of the Asylums Board dealing with infectious diseases, people are admitted at the public expense, and those admitted do not lose their votes. Therefore I think it rests with the noble Lord opposite to prove that this extremely small measure which takes a trifling amount from the public funds ought to carry this exceedingly serious disqualification. It is perfectly true that we do not say, although I should have been rather glad if we could have done so, that the child must

be fed although the parent may not wish it. But take the case of a child coming to school obviously underfed, and he or she is asked to have dinner. Perhaps the father and mother may insist upon the child going home, and then nobody knows whether the child gets a meal or not. Suppose the same child comes afterwards to school still obviously underfed. A case of this sort is certain to be taken up by the Society for the Prevention of Cruelty to Children, and the refusal to allow the child to take advantage of the meal would undoubtedly lead to the prosecution of the parent. So that indirectly you positively compel the parent, if the child is obviously underfed, to allow his child to have the meal, and if you put that compulsion, which is the only kind of indirect compulsion that you can venture to put, it certainly seems to me unreasonable to disfranchise a parent if he is unable to pay for the meal.

THE EARL OF CAMPERDOWN said that this difficulty showed the extreme inconvenience of the course which had been followed by the Government. It was obviously impossible for their Lordships to consider this Bill in the way which it ought to be considered. Its principles were very important and its details were equally important, and yet the Committee had been told that the Bill must be read a third time to-night. The noble Marquess opposite had retorted that the late Government had done the same thing, but surely that did not make the case any better, although the noble Marquess seemed to think he had given a perfect answer. He protested against important measures of this kind being brought up not one or two at a time, but in shoals, during the last three or four weeks, and this House being requested to consider and pass them. He wished to enter his protest against the way the Government had been conducting public business of late.

On Question, Amendment negatived.

Clauses 4, 5 and 6 agreed to.

Clause 7:—

*LORD BALFOUR OF BURLEIGH in moving to leave out Clause 7 (application of the Act to Scotland), said

several noble Lords had protested against the way the Government were dealing with this Bill, but his protest was against the way Scotland had been treated during the whole session. The question whether or not Scotland should be included in the Bill had never been discussed in the House of Commons. The Bill was brought in as a private Member's Bill applying to England, and was sent to a Select Committee. Another Bill referring to Scotland was brought in, and referred to the same Committee. On this Committee of fifteen Members eleven belonged to the Party opposite and four to the Unionist Party. Amongst the whole fifteen there was only one Scottish Member. Four witnesses from Scotland were called before this Committee, and not a single Scottish witness was in favour of applying the Bill to Scotland, and not a single public authority, so far as he knew, had passed a resolution in favour of the Bill. The Bill was only applied to Scotland by one vote—seven to six—the single Scottish Member voting against it. How would England like to have a Bill applied to it by the votes of seven Scotsmen? Such treatment was absolutely without precedent. No public body in Scotland was in favour of the Bill. The Edinburgh and Glasgow School Boards had condemned the Bill. The Chairman of the Edinburgh School Board said that at the last election the question was before the constituents. Twenty-one candidates stood for fifteen places, and nineteen of them condemned the proposals to feed school children out of the rates instead of relying upon voluntary agencies. He told the Committee that he had addressed meeting after meeting attended by the class of people in a position to judge, and his objections to this Bill were received with acclamation. The School Board for Edinburgh had condemned the Bill, and the Glasgow School Board delegated two witnesses to appear before the Select Committee and they also condemned it. Miss Flora Stevenson, who had spent most of her life working as a philanthropist and educationist, stated in a speech that it would be an evil day for Scotland when the legislature put upon school boards the duty of providing meals out

of the public funds for school children. His apprehension was that if the Bill was carried it would dry up the resources of voluntary agencies and they would be thrown back upon the public authority to carry on this work of feeding the children, and he did not think it would then be done so well as it was being done at the present time. Quite recently there had been an educational meeting in Edinburgh at which the toast of "The Houses of Parliament" was proposed by a Mr. Leishman who was far from being a supporter of the political faith to which he (Lord Balfour) adhered. He did not think he should offend that gentleman if he said that he was on the verge of belonging to the Socialist party. He was a well known public man in Edinburgh. In his speech he asked "by what marvellous change had Mr. Gulland altered his opinion and been a party to conferring on Scotland what Scotland did not want." That was a pretty strong criticism to make, but Mr. Gulland's reply to it was equally significant. Mr. Gulland said, "He believed that all over Scotland there was a duty owing to these poor children. It was an optional Bill and had Mr. Leishman been in the House of Commons he would not have refused to apply that option to Scotland." That was all Mr. Gulland could say in answer to the suggestion that although during the time he was a member of the school board he condemned this Bill, he now made no resistance in the House of Commons against its application to Scotland. He would not take up their Lordships' time by further developing this argument. There was one thing which, though it might be applicable to England and might have weight with their Lordships, was certainly inapplicable to Scotland, and that was the part of the Report of the Select Committee which said that the educational authorities were better than the Poor Law authorities for this purpose. It might be so in England—he expressed no opinion on the point—but it was certainly not so in Scotland, because the school board authorities there had no knowledge of the voluntary schools. They could do nothing for those schools, whereas the Poor Law authorities knew the circumstances of all the people in their district. He honestly believed that they

in Scotland were too sensible to make a sectarian quarrel out of this matter, and he pressed upon their Lordships most strongly from his knowledge of the circumstances that they could not do a thing more likely to cause sectarian difficulties than to require the school boards to decide whether the children in the voluntary schools, almost all of whom belonged either to the Roman Catholic Church or the Scottish Episcopal Church, were fit subjects to be fed. How was it to be done? The feeding was not to be done in the schools but in other buildings. Were the school boards of Scotland to be asked to put up annexes or additions to the voluntary schools in order that the children might have meals? If they did not do this it would be treating the children in the voluntary schools unfairly. If they did it, it would be a novel departure to allow the public rates to be spent on these buildings. He did not like to say much about his own knowledge or experience, but for eight out of the last eleven years it had been his duty to administer both the educational and Poor Law of Scotland, and he ventured to say there was not a single school board in any of the larger cities or a parish council or county council in any of the country areas of Scotland with whom even now he could not communicate as a personal friend, and he could say from his knowledge that this Bill was neither required nor asked for in Scotland. At any rate, they ought to allow Scotland to make the request before they took up a Private Member's Bill and imposed upon the people of Scotland something they did not require. He regretted the Bill had been hurried through Parliament in this way, and that he could not raise the question in a fuller House, but whatever chance he ran he could not go back to Scotland with the responsibility upon his shoulders of not having done all he could to prevent this improper extension to Scotland of a measure which they did not want.

LORD HAMILTON OF DALZELL sincerely hoped their Lordships would not agree to the omission of the clause. He thought, in spite of the

dictum they heard last night, their Lordships would agree there were certain matters of principle on which a stand must be made, and it seemed to him to be clear that if it was a sound principle to feed hungry school children in England, it must be an equally sound principle to do the same thing in Scotland. [OPPOSITION cries of "No."] The only reason to his mind which could do away with that principle would be if it could be proved there were no hungry children to feed. But he submitted that that had not been proved. The noble Earl who introduced the Bill had alluded to the Report of the Royal Commission on Physical Training which sat under the Chairmanship of the late Lord Mansfield, whose death, he was sure, all their Lordships, and especially those who were interested in Scottish affairs, deeply deplored. That Commission in its Report clearly said that there were many children attending Scottish schools who suffered from insufficient nourishment, and it also clearly suggested that some such principle as was embodied in this Bill should be adopted for the purpose of dealing with that question. The Report certainly had a rider added to it in which it said that no charge should thereby be made upon the rates. That was an opinion which no doubt carried great weight, but it was not an opinion which applied more to Scotland than to any other part of the Kingdom, and he again submitted that if this Bill was a sound and good measure to apply to England it must be equally sound to apply to Scotland. The noble Lord who had just sat down naturally spoke with great weight on everything connected with Scottish business, and it was therefore very difficult to combat him when he said that the school boards were not a good authority to deal with the matter, but personally he could not agree to that view. The difficulty of the voluntary schools might be very easily got over. It was not a matter of the schools but of the children to be dealt with. The noble Lord had also said the Bill had been condemned by several local authorities including the School Boards of Edinburgh and Glasgow. It seemed to him the answer to that lay in the words of Mr. Gulland that the Bill was permissive, and if the School Boards of Edinburgh and Glasgow did

not wish to adopt it they need not do so.

*THE MARQUESS OF LANSDOWNE: I venture to suggest we have had no answer to the extremely strong case put forward by my noble friend Lord Balfour of Burleigh. There is abundant evidence to show that some legislation of this kind is called for by a great body of public opinion in England, but my noble friend has shown that, so far as Scotland is concerned, the evidence is all the other way. I will not go over the ground he has traversed, but it seems to me that my noble friend was able to show convincingly that most of the public bodies of Scotland and the whole of the Scottish witnesses before the Select Committee strongly deprecated this change. I should like to know whether any Scottish Peer opposite will assert that public opinion in Scotland is in favour of the change. I should be very much surprised if he did. A great deal has been said of the inconvenience to which this House is put by having to deal hurriedly with important measures. I feel that very strongly, and it is one of the reasons which disposes me—assuming that we do not reject the Bill altogether—to be extremely careful to avoid any attempt to tamper with its machinery. We have no time to discuss the details of the measure, and therefore the responsibility for those details must rest with His Majesty's Government. But whilst I should hesitate to touch the machinery of the Bill I do not feel the same hesitation in accepting my noble friend's suggestion that its scope should be narrowed by omitting its application to Scotland. It is clear that supposing it should prove to be the case that there really is a demand for such legislation, and in Scotland, there will be plenty of time to produce the evidence which at the present time is wanting to establish that proposition as a preliminary to legislation by which the operation of this Bill, when it has become an Act of Parliament, can be extended to Scotland also. If therefore my noble friend thinks well to press his Amendment I shall vote with him.

*THE EARL OF CREWE: I think I ought to say one word in reply, although

Lord Hamilton of Dalzell.

it will be exceedingly brief. As regards the complaint made from the other side of the House with regard to the date at which this important measure has come before the House, I have only to say that we sincerely regret that it should have appeared so late. I am afraid these things happen under all Governments, and all we can say is that we use and shall use our best efforts to see that so far as possible measures come up in time to be conveniently discussed in your Lordships' House. But in dealing with that point I think that regard ought to be had to something besides the importance of measures, namely, their complexity. It is exceedingly undesirable, no doubt, that a very complicated measure should come before your Lordships' House at a late date. But I think no one can say that this is a complicated Bill. Its provisions may be in the eyes of some noble Lords objectionable, but they are simplicity itself, and I think that to some extent detracts from the weight of the charge which has been brought against us. As regards this particular point, in one respect I confess I find myself with some sympathy with the noble Lord opposite. I do not like seeing social legislation dealing with England and Scotland in one Bill. I think as a general rule it is distinctly preferable that they should be dealt with in separate measures; and, of course, I am obliged also to some extent to admit the difference of circumstances which the noble Lord forcibly brought out as existing between the two countries in this matter. But, at the same time, we have regard to the fact that, as I am informed, the very large majority of Scottish Members of Parliament are in favour of this measure, even though I believe noble Lords opposite do not always admit that the other House is representative, and we are also disposed to have special regard to the fact that, as my noble friend behind me pointed out, this measure is purely of a permissive character; we are bound therefore to take the sense of the Committee against the Amendment of the noble Lord.

On Question "That Clause 7 stand divided :—Contents, 19 ; Not-Contents, part of the Bill," their Lordships 28.

CONTENTS.

Crewe, E. (<i>L. President.</i>)	Craven, E.	Hamilton of Dalzell, L.
Ripon, M. (<i>L. Privy Seal.</i>)	Denman, L. [<i>Teller.</i>]	Haversham, L.
Argyll, D.	Elgin, L. (<i>E. Elgin and Kin- cardine.</i>)	O'Hagan, L.
Beauchamp, E.	Fitzmaurice, L.	Overtoun, L.
Carrington, E.	Granard, L. (<i>E. Granard.</i>)	Pirrie, L.
	[<i>Teller.</i>]	Ribblesdale, L.
	Grimthorpe, L.	Tweedmouth, L.
		Weardale, L.

NOT-CONTENTS.

Northumberland, D.	Harrowby, E.	Barrymore, L.
Wellington, D.	Mar and Kellie, E.	Belhaven and Stenton, L.
Camden, M.	Plymouth, E.	Braye, L.
Lansdowne, M.	Waldegrave, E.	Clifford of Chudleigh, L.
Salisbury, M.	Churchill, V.	Clonbrock, L.
Camperdown, E. [<i>Teller.</i>]	Falkland, V.	De Mauley, L.
Cathcart, E.	Addington, L.	Lawrence, L.
Dartrey, E.	Avebury, L.	North, L.
Doncaster, E. (<i>D. Buccleuch and Queensberry.</i>)	Balfour, L. [<i>Teller.</i>]	Ramsay, L. (<i>E. Dalhousie.</i>)
		Sanderson, L.

Consequential Amendment made in the title of the Bill.

Standing Committee negatived : Then (Standing Order No. XXXIX. having been suspended), Amendments reported : Bill read 3^a, with the Amendments, and passed, and returned to the Commons.

NATIONAL GALLERIES OF SCOTLAND BILL.

Order of the Day for the House to be put into Committee read.

Moved, "That the House do now resolve itself into Committee."—(*Lord Hamilton of Dalzell.*)

*THE EARL OF PLYMOUTH: Before the House resolves itself into Committee I should like to ask a question about two matters in the Bill. So far as I recollect I have not been able to look it up to make quite certain, and I have no doubt the noble Lord will correct me if I am wrong—in the buildings occupied by the National Gallery for Scotland the Scottish Academy has the

use of one gallery for three months in the year, and one room, or possibly two rooms, all the year round as council room and office. I believe that this arrangement was made originally either by statute or, at any rate, with the consent of Parliament, and I would like to ask whether in this change of the constitution of the Board of Manufactures, which I gather is the main part of this Bill, and the establishment of this new Board of Trustees, any fresh arrangement has been made with the Royal Scottish Academy. The other question relates to Clause 6, which, I notice, empowers the Board of Trustees to allocate out of the general fund of the Board of Manufactures such sums as may be prescribed : (a) towards the building and equipment of a School of Art in Edinburgh. As the Royal Scottish Academy is not mentioned in the Bill, I would like to ask the noble Lord whether he could tell me under whose control this School of Art would be. I do not suppose that the new Board of Trustees are going to establish and control a School of Art, but can the noble Lord tell me whether it is a new School of Art under the Royal Scottish Academy? I do not know whether he will be able to answer these questions, but

I should be very much obliged if he could.

LORD HAMILTON OF DALZELL: As regards the first question, the building known as the National Gallery, which is now divided between the national collection of pictures and the Royal Scottish Academy, is to be handed over entirely to the national collection of pictures. The building known as the Royal Institution is to be given over to the Royal Scottish Academy. The School of Art, which is at present part of the Royal Institution, will be housed in a new building in the cattle market. Towards the fund of this building a contribution will be made by the Secretary for Scotland out of monies standing to the credit of the Board of Manufactures. I think £10,500 will be devoted to that purpose.

THE EARL OF PLYMOUTH: And it will be under the same control as it is at present?

LORD HAMILTON OF DALZELL: I understand so, jointly with the town council, who are finding the balance of the money, and I think £30,000 is voted by the Scottish Education Department. The Royal Society, which is at present housed in the Royal Institution, will have new premises provided for it in a building which is to be bought in George Street. I hope I have answered the points raised by the noble Earl.

THE EARL OF PLYMOUTH: I thank the noble Lord for his information. The only point I am not quite clear about is as to whose control the School of Art is under.

***LORD BALFOUR OF BURLEIGH:** As I understand—for though I do not speak with authority I have been privy to a good deal of discussion going on—the School of Art will be under a mixed body. It cannot be under the control of the Board of Manufactures, who managed it before, because that body is abolished; but I understand it will be under a mixed body and that arrangements have been arrived at with a general

The Earl of Plymouth.

concurrence in this matter. But as I understand the noble Lord is not going to take the final stage to-night, and if the noble Lord behind me is satisfied to leave it where it is, I am sure the noble Lord and myself will undertake to give him exact information.

On Question, Motion agreed to.

House in Committee accordingly.

Bill reported without Amendment: Standing Committee negatived; and Bill to be read 3^a to-morrow.

PUBLIC TRUSTEE BILL [H.L.]

Returned from the Commons agreed to, with Amendments: The said Amendments to be printed, and to be considered To-morrow. (No. 257.)

NOTICE OF ACCIDENTS BILL.

Returned from the Commons with the Amendments agreed to.

LAND TENURE BILL (now AGRICULTURAL HOLDINGS BILL).

Returned from the Commons with several of the Amendments agreed to, and several Amendments agreed to, with Amendments, and several Amendments disagreed to, with reasons for such disagreement. The said Amendments and reasons to be printed; and to be considered To-morrow. (No. 258.)

WORKMEN'S COMPENSATION BILL.

Returned from the Commons with several of the Amendments agreed to, and several Amendments disagreed to, with reasons for such disagreement, the said Amendments and reasons to be printed, and to be considered To-morrow. (No. 259.)

House adjourned at a quarter past Eleven o'clock till To-morrow, Twelve o'clock.

HOUSE OF COMMONS.

Thursday, 20th December, 1906.

The House met at Two of the Clock.

MR. SPEAKER'S INDISPOSITION.

The Clerk at the Table informed the House of the unavoidable absence of Mr. Speaker from this day's Sitting owing to indisposition.

Whereupon Mr. EMMOTT, the Chairman of Ways and Means, proceeded to the Table, and, after Prayers, took the Chair as Deputy Speaker, pursuant to the Standing Order.

PETITION.

PARLIAMENTARY FRANCHISE.

Petition from Northampton, for extension to women; to lie upon the Table.

RETURNS, REPORTS, ETC.

PRIVATE LEGISLATION PROCEDURE (SCOTLAND) ACT, 1899.

Return presented, relative thereto [ordered 14th December; *Mr. Sinclair*]; to lie upon the Table, and to be printed. [No. 390.]

HIGHER EDUCATION (ENGLAND AND WALES) (APPLICATION OF FUNDS BY LOCAL AUTHORITIES).

Return presented, relative thereto [ordered 2nd August; *Mr. Birrell*]; to lie upon the Table, and to be printed. [No. 391.]

UNEMPLOYED WORKMEN ACT, 1905.

Return presented, relative thereto [ordered 19th December; *Mr. John Burns*]; to lie upon the Table, and to be printed. [No. 392.]

GAS UNDERTAKINGS.

Return presented, relative thereto [ordered 1st May; *Mr. Lloyd-George*]; to lie upon the Table, and to be printed. [No. 393.]

GAS UNDERTAKINGS (LOCAL AUTHORITIES).

Return presented, relative thereto, [ordered 1st May; *Mr. Lloyd-George*]; to lie upon the Table, and to be printed. [No. 394.]

INTERMEDIATE EDUCATION (IRELAND).

Copy presented, of Correspondence between His Excellency the Lord-Lieutenant of Ireland and the Intermediate Education Board for Ireland [by Command]; to lie upon the Table.

PHARMACY (IRELAND) ACTS 1875 TO 1890.

Copy presented, of Order in Council, dated 17th December, 1906, approving of an amended Regulation made by the Pharmaceutical Society of Ireland [by Act]; to lie upon the Table.

EAST INDIA (LOANS RAISED IN INDIA).

Copy presented, of Return of all Loans raised in India, chargeable on the Revenues of India outstanding at the commencement of the half-year ending on the 30th September, 1906, etc. [by Act]; to lie upon the Table, and to be printed. [No. 395.]

CAPITAL EXPENDITURE.

Return presented, relative thereto [ordered 29th October; *Mr. Rose*]; to lie upon the Table, and to be printed. [No 396.]

PAPERS LAID UPON THE TABLE BY THE CLERK OF THE HOUSE.

1. Inquiry into Charities (County of Wilts); Further Return relative thereto [ordered 9th August, 1901; *Mr. Griffith-Boscawen*]; to be printed. [No. 397.]

2. Inquiry into Charities (County of Berks); Further Return relative thereto [ordered 28th March, 1905; *Mr. Griffith-Boscawen*]; to be printed. [No. 398.]

MUNICIPAL TRADING (UNITED KINGDOM).

Address for "Return showing for the London County Council, the Corporation of the City of London, the Council of each Metropolitan Borough, the Corporations of the Municipal Boroughs of Liverpool, Manchester, Birmingham, Leeds, Sheffield, Bristol, Bradford, West Ham,

Newcastle-upon-Tyne, Kingston-upon-Hull, Nottingham, Salford, Leicester, Portsmouth, Bolton, Cardiff, Sunderland, Oldham, Croydon, Blackburn, Brighton, Derby, Preston, Norwich, Birkenhead, Gateshead, Plymouth, Halifax, Southampton, South Shields, Burnley, East Ham, Huddersfield, Swansea, Wolverhampton, Stockport, Middlesbrough, Stockton-on-Tees, and Blackpool, and the Corporations of Edinburgh, Glasgow, Dundee, and Aberdeen, the nature and extent, and, for each of the last four years for which figures are available, the financial results of reproductive municipal undertakings, including for each undertaking separately a short description thereof, date and terms of original acquisition or establishment or subsequent extension, how managed, capital employed and how obtained, value of the undertaking, capital paid off and outstanding, loan charges, provision for depreciation, gross income and expenditure, net profit or loss, how profit is allocated or loss met, amount of relief or burden to rates, number and salaries of the chief paid officials, number of workpeople, rate of wages paid in chief classes of labour, and prices charged for products or services supplied or rendered."—(*Mr. Chiozza Money.*)

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Great Northern Railway—Deansgate Works—Dangerous Occupation.

MR. KELLEY (Manchester, S.W.): To ask the President of the Board of Trade whether his attention has been called to the hours worked by the hydraulic crane-drivers and capstan rope-runners employed by the Great Northern Railway Company at their goods station, Deansgate, Manchester; whether he is aware that those so employed are boys of sixteen years of age and less; that the rope-runners are constantly working amongst moving wagons on the lines, thus making their occupation especially dangerous; and will he say what steps he proposes to take in the matter.

(*Answered by Mr. Kearley.*) No representations on this point have reached the Board of Trade, but, if particulars are furnished on behalf of the employees

concerned, the matter will be dealt with under the Railway Regulation Act, 1893

Wages at Appledore.

MR. FIELD (Dublin, St. Patrick): To ask the President of the Board of Trade, whether, according to the terms of contract, the Dublin firm is bound to pay the trade union rate of wages ruling at the port, while the wages at Appledore are below the usual trade rates, and the workmen there are not recognised by the Shipwrights' Union; and, if so, whether he will arrange that the Fair Wages Resolution of the House of Commons shall be carried into effect in the Appledore shipyard.

(*Answered by Mr. Kearley.*) The general lighthouse authorities insert in their contracts a stipulation that competent workmen are to be employed, and that they are to receive such wages as are generally accepted as current for their respective trades in the locality where the work is done. The Appledore firm, to which a contract was recently given, accepted this condition. I understand that there are no branches of shipwrights' or boilermakers' trade unions in the vicinity of Appledore.

Long Hole, Bangor.

MR. MACVEAGH (Down, S.): To ask the President of the Board of Trade whether he can say if the Long Hole at Bangor, county Down, is Crown property; whether his Department will co-operate with the Department of Agriculture in Ireland and the county Down County Council in giving facilities for the provision of improved harbour accommodation for the Bangor fishermen and boatmen; and whether he can state why the gates of the new pier are kept closed, and the old right of way for the fishermen barred.

(*Answered by Mr. Kearley.*) The solum of the Long Hole at Bangor is *prima facie* the property of the Crown. The Board of Trade are always ready to give facilities, so far as lies in their power, for the construction of improved harbour accommodation. As regards the new pier and the right of way referred to by the honourable Member, I will make inquiry and communicate the result to him.

Welsh Coal Districts.

MR. HASLAM (Monmouth Boroughs): To ask the Secretary of State for the Home Department whether he is aware that dissatisfaction is felt by members of the Chamber of Commerce and the coal exporters of Newport, Mon., because, in accordance with the Mines Inspection District Regulation Order of 12th. October, 1901, districts were allotted to Cardiff and Swansea, and named the Cardiff district and the Swansea district respectively, while Newport, which is a more important coal shipping port than Swansea, was included in the southern district, which includes not only the coal fields of Monmouthshire, for the production of which Newport is the natural shipping outlet, but also includes the practically non-coal-producing counties of Devon, Cornwall, Dorset, Wilts, Hants, London, Sussex, Kent, and Surrey; and whether, seeing that the name of a port being associated with the coal shipped from it is considered a valuable asset as an advertisement, and that the preponderance of the weight of coal in the southern district is produced in the neighbourhood of Newport, he will take steps to alter the name of the southern district so that it shall be described as the Newport district, or allot a distinct district, to be named the Newport district, as in the case of Cardiff and Swansea.

(Answered by Mr. Secretary Gladstone.)

The division of the country into districts for the inspection of mines and quarries must depend on the distribution of metalliferous mines and quarries as well as on that of coal mines, and the determination of the boundaries of those districts and the choice of their names must depend upon questions of administrative convenience. I will, however, consider the representation which has been made to me as soon as the Royal Commission on Mines has presented its Report.

London Immigration Board.

MR. STUART SAMUEL (Tower Hamlets, Whitechapel): To ask the Secretary of State for the Home Department, whether his attention has been called to the procedure of the London Immigration Board; whether he is aware that there is no power to administer

an oath to witnesses; whether it is possible for alien immigrants to be represented by legal men should they so desire; whether he is aware that the immigration officers consider that it is not within their duty to inform relatives and friends of immigrant appellants that they should appear at Blackwall, and that as a consequence the Board has come to a decision on the uncorroborated testimony of the inquiry agent; and whether, seeing that Mr. Vallance, the chairman of the Board, on Friday, 7th December, gave it as his opinion that the officers should render all possible assistance to the relatives of immigrants to insure their attendance as witnesses, and that the procedure is due to regulations drawn up by his Department, he will appoint a Departmental Committee to inquire into the working of the immigration boards with a view to secure efficient and uniform administration.

(Answered by Mr. Secretary Gladstone.)

An immigration board is not a court, and has no power to administer an oath. The Board has an absolute discretion as to the persons whom it will hear; but there are obvious objections to establishing anything like court proceedings, *e.g.*, counsel, legal evidence, etc., before a body which has not the powers of a court. It is no part of the immigration officers' duty to secure that relatives attend the Board meetings, and at the time when preliminary inquiries are being made the day and hour of the meeting is often not known. When they are known they are communicated on application, and in any case any person who is really interested in an alien immigrant can always obtain the necessary information, by inquiries of the master of the ship on which the immigrant is or otherwise. Attention is paid to the working of the regulations which govern the procedure of immigration boards, and they can be altered if experience shows it to be necessary, but full information on that subject is always at my disposal, and I have no need to appoint a committee in order to collect it.

Bee Keeping at Dornoch.

MR. MORTON (Sutherland): To ask the Secretary for Scotland whether he can say how many of the fifty-two swarms of bees supplied by the Congested Districts Board to the parish of Dornoch,

Sutherland, now survive; and whether, seeing that the matter has been a failure, any further trials are contemplated.

(*Answered by Mr. Sinclair.*) On the first part of the Question I have no information. There is no reason to suppose the experimental supply of hives in Dornoch has been a failure. If further applications from this district are received they will be considered on their merits.

Scottish Land Legislation.

MR. WEIR (Ross and Cromarty): To ask the Prime Minister, in view of the urgency of land legislation for the Highland crofting counties, if he will undertake that the Small Landholders (Scotland) Bill shall have an early place in the legislative programme for next session.

(*Answered by Sir H. Campbell-Bannerman.*) I cannot say anything as to the order in which Bills will be taken next session.

Railway Administration.

MR. MONTAGU (Cambridgeshire, Chesterton): To ask the President of the Board of Trade whether His Majesty's Government will consider the appointment of a Royal Commission to inquire into the general management of railways in this country, and to compare systems which have been adopted or are proposed for adoption abroad, with a view to their possible adoption in this country.

(*Answered by Mr. Lloyd-George.*) I am taking steps to obtain information as to the systems of railway management in other countries and their practical working. I think that this method of inquiry has, in this case, advantages over a more formal investigation by a Royal Commission.

Report of the Departmental Committee on Railway Rates.

MR. MONTAGU: To ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture, whether he is aware that the Report of the Departmental Committee on Railway Rates, appointed by the Board of Agriculture, has caused disappointment; whether he is aware of the difference of opinion as to the meaning of the terms of reference among the Committee; whether he has noticed that the

representative of the Board of Agriculture signed a separate Report; whether he will confer with the Board of Trade as to the appointment of a new Inter-departmental Committee with clear terms of reference; and whether he will see that agricultural interests are adequately represented on the Committee, and that the railway experts serving shall not be necessarily railway directors or managers.

(*Answered by Sir Edward Strachey.*) It is the case that a difference of opinion existed in the Committee as to the interpretation of the phrase "preferential treatment" in their reference, and that dissatisfaction with the Report of the Committee has been expressed by agriculturists in consequence. It does not appear, however, that any restriction was placed upon the reception of evidence, and the views of the minority were very fully and ably set out in Mr. Haygarth Brown's separate Report. In these circumstances my noble friend scarcely thinks that further inquiry by a new Departmental Committee is necessary, but he will be glad to confer with my right hon. friend the President of the Board of Trade on the subject. In the meantime our inspectors will use every opportunity of collecting further information, and they will investigate any specific complaints which may be addressed to us.

Sligo Technical School.

MR. P. A. MCHUGH (Sligo, N.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether, in view of the fact that Mr. T. P. Gill, Secretary to the Department of Agriculture and Technical Education in Ireland, addressed a letter last week to the Sligo Technical Education Committee, in which he stated that at some future date it may be found expedient to erect a new technical school building in Sligo, and that a new technical school building is urgently needed in Sligo at the present moment, can he state approximately the future date when the Department will be in a position to advance money for the purpose; is he aware that owing to want of sufficient accommodation in the present technical school in Sligo pupils seeking admission are turned away, and that the only suggestion the Department has been able to make to meet the difficulty is to establish overflow classes; and will he say

what steps does the Department propose taking to assist in procuring adequate accommodation and to obviate the inconvenience and expense of overflow classes.

(*Answered by Mr. Bryce.*) Local authorities may at present obtain funds to erect buildings for technical schools by loans raised on the security of the rates. The Department of Agriculture and Technical Instruction have no fund from which to make grants for the purpose; but they have brought the question of providing funds for building technical schools to the attention of the Committee of Inquiry into the working of the Department. 'The matter will doubtless be dealt with in the Committee's Report. I may add that a deputation which addressed me on the subject some months ago convinced me that further funds for building technical schools are much needed.

Army Clothing Factory, Pimlico.

MR. JENKINS (Chatham): To ask the Secretary of State for War whether he is aware that complaints have been lodged by the Army Clothing Tailoresses' Association regarding bolts protruding from the forms tearing their dresses and aprons; whether he is aware that the manager of the factory has given orders for the bolts to be removed; and can he state when such order was given and how much of the work has been done during the past fortnight.

(*Answered by Mr. Secretary Haldane.*) A deputation of the Tailoresses' Association drew attention to this matter on the 23rd ultimo. A general overhauling of the forms is now being made, and, so far, twenty have had to be remedied.

Royal Army Clothing Department.

MR. JENKINS: To ask the Secretary of State for War whether it is intended to remove the police lodge from the south-western gate of the Royal Army Clothing Department; if so, what are the reasons for so doing; and will he say whether, in view of the fact that the Building

Works Department has no money in hand, it is intended to save the cost incurred by such removal by reducing the number of employees.

(*Answered by Mr. Secretary Haldane.*) The Answer is in the negative, but, even if the removal of the lodge had been decided on, the cost would not have been met in the manner suggested.

Natal Mounted Police.

MR. MARKHAM (Nottinghamshire, Mansfield): To ask the Secretary of State for War whether he is aware that the Natal Mounted Police were precluded from attending the King's birthday parade with Imperial troops; that the Minister of Justice, in reply to a Question asked in the Natal Parliament, stated that, though Ministers desired this force should take part in the parade to demonstrate their loyalty to their Sovereign, they withdrew their request owing to questions of military etiquette having been raised; and will he say who was responsible for raising these questions of military etiquette, seeing that the Natal Mounted Police have, except when fighting, always attended the parades in honour of the birthdays of the late Queen Victoria.

(*Answered by Mr. Secretary Haldane.*) Nothing is known of the matter in this Department, but the General Officer Commanding-in-Chief has been asked to furnish a Report upon it.

Sleeping Sickness.

MR. REES (Montgomery Boroughs): To ask the Under-Secretary of State for the Colonies whether, in reply to Lord Elgin's letter of 18th May, 1906, the Commissioner of British Central Africa reported that any special preventive measures were required against the spread of sleeping sickness; whether the Commissioner maintained his opinion that it was not necessary that one of the medical staff of the Protectorate should visit Uganda for the purpose of studying

the question; and whether any local medical officer possessing experience of this disease will be available to co-operate with the two special officers sent out by the Liverpool School of Tropical Medicine.

(*Answered by Mr. Churchill.*) The Commissioner of the British Central Africa Protectorate, in replying to Lord Elgin's despatch, proposed that the medical staff of the Protectorate should be increased, with the view of carrying out preventive measures as recommended by the Liverpool School of Tropical Medicine; he also inclined to the opinion that it would be well to send a medical officer of the Protectorate to study the disease in Uganda. The highest medical authorities in this country doubted whether any object would be gained by at once introducing preventive measures, having regard to the Governor's Report that no foundation exists for the rumoured occurrence of sleeping sickness on the border of the Protectorate; and the new phase which the matter took was that the Liverpool School proposed to send out their mission of inquiry. With this mission the local officers will certainly co-operate cordially, though it cannot be said that any local medical officer possesses experience of the disease.

Australian Colonies and the Colonial Conference.

MR. LONSDALE (Armagh, Mid): To ask the Under-Secretary of State for the Colonies whether any protests have been received from the Australian Colonies against the exclusion from the Colonial Conference of representatives of the individual states of the Commonwealth; whether his attention has been drawn to the statement of the Premier of New South Wales that any resolutions arrived at by the Conference concerning State matters would be ignored as worthless if passed behind the backs of the representatives of the Australian States; and whether the scheme of representation at the Conference has been finally deter-

mined so as to exclude the separate states in the Commonwealth.

(*Answered by Mr. Churchill.*) The Secretary of State desires me to say that representations have been made by the Governments of the Australian States to the effect that their Premiers should be invited to the forthcoming Colonial Conference; but His Majesty's Government have been unable to reconsider their decision that the next Conference must be constituted in the same way as the Conference of 1902, at which the Australian States were not represented, and that it will rest with the Conference itself to consider whether any such change as is proposed is desirable. As regards the statement of the Premier of New South Wales, referred to by the hon. Member, there is no likelihood that the Conference will pass resolutions on subjects appertaining to the State Governments.

Colonial Audit Branch.

MR. FIELD: To ask the Secretary to the Treasury what length of time has elapsed since the contemplated reorganisation of the Colonial Audit Branch was first considered; whether the scheme of reorganisation is yet decided on; and, if not, when may a decision on the matter be expected.

(*Answered by Mr. McKenna.*) The scheme for the reorganisation of the Colonial Audit Branch, under which it will be amalgamated with the Exchequer and Audit Department has now been generally settled after full consideration by the various departments concerned. It is intended that the Estimate for 1907-8 of the Exchequer and Audit Department will be framed on the new basis.

American Gooseberry Mildew.

MR. NAPIER (Kent, Faversham): To ask the hon. Member for South Somerset, as representing the President of the

Board of Agriculture, whether his attention has been called to the introduction into Great Britain of the fungus disease known as the American gooseberry mildew, which threatens to destroy the culture of the gooseberry in this country, and to the need of taking steps to arrest the further progress of that disease; and what course the Board of Agriculture will be prepared to adopt with that object.

(Answered by Sir Edward Strachey.)

The Board have given much attention to this matter, and have issued broadcast a notice warning importers and others of the danger, and advising them of the steps that should be taken if the disease should unfortunately appear. I am sending my hon. friend a copy of this notice, which will, we hope, be successful in preventing the establishment of the disease in this country. If, however, we come to the conclusion that further powers are necessary we shall not hesitate to ask Parliament to grant them.

Unemployed Workmen Act, 1905.

MR. KEIR HARDIE (Merthyr Tydvil): To ask the President of the Local Government Board, whether he will state the number of local authorities that have applied up to the present time for powers to enable them to put The Unemployed Workmen Act, 1905, into operation; whether any who have so applied have been refused; and, if so, will he state what authorities have been refused and the grounds of such refusal.

(Answered by Mr. John Burns.) The Act required that distress committees should be established in seventy-five boroughs and urban districts outside London. This has been done. It also enabled distress committees to be established in certain boroughs and urban districts if the borough or district council made application for the purpose to the Local Government Board, and the Board consented. Fifty-four such applications

have been made. In fourteen of these cases distress committees have been established, in ten the application has not been proceeded with by the local authority, and in one the matter is at present under consideration. In the remaining cases no sufficient reason appeared to the Board to be shown for setting up a distress committee, and their consent was, therefore, not given.

Licensing Statistics.

MR. F. E. SMITH (Liverpool, Walton): To ask the Secretary of State for the Home Department, whether, in view of the declared intention of His Majesty's Government to introduce a Licensing Bill next session, he can see his way to expedite the issue of Licensing Statistics, 1906, in continuation of Licensing Statistics, 1905 [Cd. 2961], issued in May, 1906.

(Answered by Mr. Secretary Gladstone.)

My Department has already made preparations for bringing out the volume of Licensing Statistics for 1906 at the earliest possible moment; but it has to be remembered that a great deal of the work on the volume cannot even be begun until after the end of the year. The work will be expedited as far as possible.

Motor Bus Accidents in London.

MR. BAKER (Finsbury, E.): To ask the Secretary of State for the Home Department if he will now supplement the information given by him relative to the number of accidents caused by motor omnibuses in the Metropolitan area in July, August, and September, by giving similar information for the months of June, October, and November respectively.

(Answered by Mr. Secretary Gladstone.)

I append a complete statement of the street accidents known to the Metropolitan Police to have happened in each of the three months mentioned in the Question.

June, 1906.

	Horse drawn Omnibuses.	Other horse drawn vehicles (excluding tramcars).	Tramcars.		Motor Cars (including Motor Cycles).	Motor Omnibuses.	Total.	Remarks.
			Horse drawn.	Mechanically propelled.				
Number of accidents caused by -	280	2,006	80	331	559	390	3,646	
Number of accidents shown above in which personal injury resulted, caused by -	47	617	26	109	178	80	1,057	
Number of cases in which the injuries proved fatal, when caused by -	1	21	—	2	4	3	31	

October, 1906.

	Horse drawn Omnibuses.	Other horse drawn vehicles (excluding tramcars).	Tramcars.		Motor Cars (including Motor Cycles).	Motor Omnibuses.	Total.	Remarks.
			Horse drawn.	Mechanically propelled.				
Number of accidents caused by -	215	1,757	62	373	373	512	3,292	
Number of accidents shown above in which personal injury resulted, caused by -	44	571	23	138	123	118	1,017	
Number of cases in which the injuries proved fatal, when caused by -	1	4	—	1	2	3	11	

November, 1906.

	Horse drawn Omnibuses.	Other horse drawn vehicles (excluding tramcars).	Tramcars.		Motor Cars (including Motor Cycles).	Motor Omnibuses.	Total.	Remarks.
			Horse drawn.	Mechanically propelled.				
Number of accidents caused by -	158	1,496	72	336	324	434	2,820	
Number of accidents shown above in which personal injury resulted, caused by -	43	497	15	118	88	81	842	
Number of cases in which the injuries proved fatal, when caused by -	—	17	—	1	3	2	23	

NOTE.—Any one accident can only be shown under the head of one of the classes of vehicles.

Invergordon Higher Grade School.

MR. J. M. ROBERTSON (Northumberland, Tyneside): To ask the Secretary for Scotland whether at Invergordon higher grade public school, Standards I. and II. have been placed in charge of an uncertificated pupil teacher, who is permitted to administer corporal punishment; and, if so, whether he will take measures to put a stop to this irregularity.

(Answered by Mr. Sinclair.) The Scottish Education Department has no information on the subject of the hon. Member's Question, but will make inquiry as to the circumstances.

Assam Labour Inquiry.

MR. REES: To ask the Secretary of State for India whether he will place in the Library a copy of the Assam Labour Inquiry Committee's Report.

(Answered by Mr. Secretary Morley.) The Report has not yet been received. When it comes I shall hope to be able to comply with the wish of my hon. friend.

Madras Estates Land Bill.

MR. REES: To ask the Secretary of State for India whether he is aware that the Madras Estates Land Bill, in addition to giving tenants occupancy rights, protection from enhancement of rent and from unjust eviction, and customary claims to communal grazing, and to waste and cultivable lands, also deprives the landlords of various customary rights and privileges, such as the right to increase the area of their home farms, the right to enter into contracts with their tenants for the cultivation of any lands at any other than the fixed rate of assessment, the right to receive rents in kind where such a custom exists; that the landlords strongly object to such provisions; that such landlords are not descendants of farmers of the revenue but of ancient and princely families who have possessed the privileges of which it is now proposed to deprive them from time immemorial; and that they hold that they and their lessees should not be put in a legal position inferior to that of their tenants; and whether he will, in view of the feeling entertained on the subject, direct the Government of Madras to hold such further inquiry as he may deem fit and proper in the circumstances.

(Answered by Mr. Secretary Morley.)

The necessity for legislation to declare and protect the rights of the cultivators in the permanently settled estates of the Madras Presidency has long been recognised, and the Bill at present before the Madras Legislative Council is the result of prolonged inquiries. I am not prepared to admit that its provisions will have the effect attributed to them in the Question. I understand that they have been extensively modified by the Select Committee to whom the Bill was referred, and that concessions have been made on various points to the landlords. As at present advised I am not disposed to take the action suggested.

Sub-Target Aiming Apparatus—Indian Tariff.

MR. W. F. D. SMITH (Strand, Westminster): To ask the Secretary of State for India whether he is aware that the Indian Government, having made an order dated September 20th, 1906, admitting the sub-target aiming apparatus free of duty as educational apparatus, when imported direct by any unit of His Majesty's regular forces, have now prohibited the importation of an essential portion of the machine, namely, the rifle attached to it; and whether he can take steps to facilitate the importation of this machine, having regard to the fact that the rifle attached to it can be made useless for any other purpose than the practice of aiming.

(Answered by Mr. Secretary Morley.) I have no information as to the facts stated in the Question, but I have no doubt that the Government of India will consider any representation made on the subject by a regiment desiring to import the apparatus as part of their regimental equipment.

Chinese Opium Traffic.

MR. H. J. WILSON (Yorkshire, W.R., Holmfirth): To ask the Secretary of State for India whether he is in a position to give the House any further information as to communications between His Majesty's Government and the Chinese Government in reference to opium.

(Answered by Secretary Sir Edward Grey.) His Majesty's Minister at Peking has informed the Chinese Government that His Majesty's Government appreciate

the probable benefits to the Chinese from the effective control of the production of opium and from a diminished consumption of the drug, and that they are prepared to consider in a sympathetic spirit any specific proposals which the Chinese Government may wish to make with regard to the importation and taxation of opium. Proposals have since been received from the Chinese Government, which are under consideration.

South Westmeath Evicted Tenants.

MR. SULLIVAN (Westmeath, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can state the number of tenants who were evicted in South Westmeath during the years 1904, 1905, and for 1906 up to the 1st December; and how many of these or others who were evicted previously were reinstated during these years either by the landlords or through the action of the Irish Estates Commissioners.

(*Answered by Mr. Bryce.*) The Estates Commissioners have no information as to the number of tenants who were evicted in South Westmeath in the years mentioned, but, as regards the entire county, they have received applications from six persons evicted in 1904, and from two evicted in 1905, but none from persons evicted in 1906. Two of the persons evicted in 1904 have been reinstated by the landlords. Four persons who were evicted in previous years have also been reinstated by the landlords, and one has been provided by the Commissioners with a farm in another county.

Royal Canal, Dublin.

MR. FIELD: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether it is within the province of the Board of Control of the Royal Canal to use the power vested in them by statute to prevent the Midland Railway Company closing the Broadstone section of the canal, or by their default, in not dredging it, allowing it to become silted up, and thus prevent loads being conveyed by lighters on it; and whether he is aware that at present only about twenty-ton loads can be carried, whereas, if kept in order, full loads of fifty tons could be conveyed.

(*Answered by Mr. Bryce.*) As the hon. Member is aware, the Midland Great

Western Railway Company have applied to the Board of Trade, under Section 45 of The Railway and Canal Traffic Act, 1888, for a warrant to abandon the Broadstone branch of the Royal Canal, and the Board of Trade have deferred the consideration of this question in view of evidence on the subject to be given before the Royal Commission on Canals and Waterways. If it should be decided that the branch is not to be closed, it will be within the province of the Board of Control to see that the railway company put it into proper condition for traffic. The Board of Control are aware that it is not at present in proper condition.

MR. FIELD: To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he can state who are the members of the Board of Control of the Royal Canal; and whether they hold regular meetings and make any attempt to use the powers vested in them by statutes to compel the Midland Great Western Railway Company to carry out their obligation imposed by 8 and 9 Vic., s. 36, c. 119.

(*Answered by Mr. Bryce.*) Up to August, 1906, the Board of Control consisted of the three Commissioners of Public Works in Ireland, Sir George Holmes, Mr. Stevenson, and Mr. Hanson, and at that date two unofficial members, Mr. Nooney and Mr. Ross, were added. I am informed that the members of the board then conferred together and agreed upon action which they are taking by letter, and otherwise, to put pressure on the railway company to carry out its statutory obligations. Future meetings will be held quarterly to consider the quarterly report transmitted by the railway company, and oftener if there should be occasion.

Dismissed School Teachers in Ireland.

MR. SLOAN (Belfast, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland if he can state the number of national school teachers of twenty years service and over who have been dismissed for inefficiency since the inauguration of the system of wire-bending and paper-folding, and whose service before was highly commended by the inspectorate.

(*Answered by Mr. Bryce.*) The Commissioners of National Education inform me that they are not aware of any such case.

Irish Quit Rents.

MR. POWER (Waterford, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland, where lands liable to quit rents in Ireland are sold under the provisions of the Land Act of 1903 on what terms is quit rent extinguished, to what purpose are moneys obtained by the extinction of quit rent applied, and is the interest of moneys paid to the Treasury from the sale of lands in Ireland liable to quit rent devoted to any Irish purpose.

(*Answered by Mr. McKenna.*) Quit rents payable for lands sold under Irish Land Acts are redeemed out of the purchase money at a price which is equivalent to twenty-five years' purchase. The purchase moneys become part of the capital of the Land Revenues of the Crown, which, under the Crown Lands Acts, has to be applied in purchasing lands for the Crown in the United Kingdom, or in redemption of charges and incumbrances on Crown lands. As I have explained on several previous occasions, the surplus annual revenue from the Crown lands is paid into Exchequer annually in accordance with the Crown Lands Acts, and is not set apart for any special purpose.

Rosegarland Evicted Tenants.

MR. FFRENCH (Wexford, N.): To ask the Chief Secretary to the Lord Lieutenant of Ireland whether he is aware that the Estates Commissioners acknowledged the receipt of an application on the 7th July last from Patrick and Mrs. Colfer for restoration to their homes on the Rosegarland Estate; whether any progress has yet been made in this case; and, if not, can he explain the cause of delay.

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that they have now received their inspectors' Report upon the application for reinstatement lodged by Patrick Colfer, and will take the case, with others of a similar nature, into consideration in due course.

Teachers' Increments.

MR. FFRENCH: To ask the Chief Secretary to the Lord Lieutenant of

Ireland whether he is aware that dissatisfaction prevails amongst the Irish national teachers regarding the vagueness of Rule 104a, which it is believed may retard promotion and receipt of increment; whether there are office regulations that may have the same effect, the nature of which have never been explained to teachers and managers; if the inspectors' Reports have any bearing on these matters; what is the precise character of the Reports which would entitle teachers to increments in Grade III., Grade II., and Grade I. (2), respectively, and which would entitle teachers to promotion from each of these grades to the next higher.

(*Answered by Mr. Bryce.*) Rule 104a is as follows:—104a. Promotion from a lower to a higher grade, and from the second to the first section of the highest grade, depends on (i.) training; (ii.) position in school; (iii.) ability and general attainments; (iv.) good service; (v.) seniority. The Commissioners of National Education inform me that there are no office regulations on the subject. They say that, of course, the inspector's Reports on the efficiency of the teacher have an important bearing on the teacher's promotion, but the question of promotion is not determined on these Reports alone. The other matters referred to in the rule are also taken into account. To warrant promotion to the first grade a higher standard of efficiency must be shown than would warrant promotion to the second and similarly in the case of good service increments within the grades.

Rathkeale Labourers Cottages.

CAPTAIN CRAIG (Down, E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is aware that 386 labourers cottages have been built in the Rathkeale rural district at a total cost of £62,922; whether he can state how many are unoccupied, and how many applications for further cottages in that district have been lodged; whether complaint was made by nine of the largest ratepayers in the district on the grounds that several of the district councillors had a pecuniary interest in the erection of labourers cottages; whether, as a result of such complaint, two Local Government Board inspectors held a sworn inquiry in October last; and whether he will publish the result

of the inquiry, or state whether any of the officials or members of the rural district council were implicated, and, if any, give their names and state the extent.

(*Answered by Mr. Bryce.*) The figures contained in the first part of the Question are correct. The Local Government Board have ascertained from the clerk of the rural district council that three labourers cottages are at present unoccupied, and that applications for ten new cottages have been received. A complaint to the effect stated in the Question was received by the Local Government Board, and an inquiry on oath into the matter was held in October last by two of the Board's inspectors. The inspector's Report is at present under the consideration of the Local Government Board, and the result will be communicated to the rural district council as soon as possible.

Royal Hospital, Chelsea—Out-Pension Office.

SIR CARNE RASCH (Essex, Chelmsford): To ask the Secretary of State for War whether, the Government having frequently stated that officers, non-commissioned officers, and privates are to be employed whenever practicable, and that it is advisable to find employment, if possible, for ex-soldiers, he will consider whether this could be done at the Out-Pension Office of the Royal Hospital, Chelsea, where at the present time some thirty-five War Office civilian clerks are employed on purely military work, two of whom have been given quarters in the Royal Hospital, which was founded absolutely for the sole benefit of officers and soldiers who have deserved well of their country.

(*Answered by Mr. Secretary Haldane.*) The number of clerks employed at Chelsea Hospital is twenty-seven, of whom three are boys, and the others are nine civilians and fifteen ex-soldiers. The posts held by the civilians are filled through Civil Service competitive examinations, which are open to ex-soldiers; those held by the ex-soldiers are filled without resort to competitive examination. The assistant secretary and one senior clerk occupy unfurnished quarters, which have always been assigned to these officials, as their duties require them to live on the premises.

Comptroller and Auditor General.

MR. FIELD: To ask the Prime Minister, whether, with reference to Section 6 of The Exchequer and Audit Departments Act, 1866, the position of Comptroller and Auditor General, with a salary of £2,000 per annum attached to it, is a patronage appointment in the gift of the Crown; whether the appointments for some time past have been in the nature of selections by the Treasury from amongst permanent Civil Servants; and, if so, whether, having regard to the nature of the duties performed by the Comptroller and Auditor-General, and the independent position of the office, the selections for future appointments will be made by the Government and independent of the permanent officials of the Treasury.

(*Answered by Sir H. Campbell-Bannerman.*) The Answer to the first and second parts of the Question is in the affirmative. The selection for any future appointment will be made by the Prime Minister for the time being, who will, I am confident, use his best endeavours to secure the services of the person who happens to be most suitable for discharging the duties of this important post.

MR. FIELD: To ask the Prime Minister whether, in view of the fact that the position of Comptroller and Auditor-General has never been occupied by an Irishman, and that all the Irish public accounts are audited by this official, the Government will in future consider the claims of Irishmen as well as those of Englishmen and Scotchmen in making appointments to this post.

(*Answered by Sir H. Campbell-Bannerman.*) I know of no reason why an Irishman should be debarred from applying for this position, nor can I suppose that his claims and qualifications would receive the less consideration because of his nationality.

QUESTIONS IN THE HOUSE.

The Disturbances at Portsmouth.

MR. CLYNES (Manchester, N.E.): On behalf of the hon. Member for South West Ham, I beg to ask the Secretary to the Admiralty whether he has received a Resolution passed at a meeting of

ex-service men held on Saturday, 8th December, at the Chandos Hall, Charing Cross, in connection with the sentence passed on Stoker Moodie; whether he would take into consideration the refusal of Lieutenant Collard to answer questions, with a view of having the whole proceedings quashed; and whether he would consider the advisability of abolishing Courts-martial in times of peace.

THE SECRETARY TO THE ADMIRALTY (Mr. EDMUND ROBERTSON, Dundee): So far as I am aware this Resolution has not been received. In accordance with the principle that a witness cannot be compelled to make any statement incriminating himself, Lieutenant Collard was warned that he need not answer certain questions. The same warning was given to the witnesses for the defence. All the circumstances of the case were taken into consideration by the Admiralty when the Minute was promulgated. As regards the last part of the Question, I have nothing to add to my reply to the hon. Member for Stoke on Monday last.†

MR. MYER (Lambeth, N.): Arising out of the Answer may I ask if it is intended to substitute mechanicians for engine room artificers?

MR. EDMUND ROBERTSON: That does not arise out of the Answer.

Stokers in the Navy.

MR. JENKINS (Chatham): I beg to ask the Secretary to the Admiralty whether he will state the number of men who enlisted in His Majesty's Navy as stokers per month during the first eleven months of this year.

MR. EDMUND ROBERTSON: The number of men entered as stokers in His Majesty's Navy during the first eleven months of this year, as nearly as can be given from the weekly Returns, is as follows:—January, 518; February, 361; March, 381; April, 240; May, 254; June, 298; July, 346; August, 302; September, 361; October, 269; November, 295.

Election Leaflets at Portsmouth.

MR. HICKS BEACH (Gloucestershire, Tewkesbury): I beg to ask the Secretary

to the Admiralty whether the attention of the Board of Admiralty has been drawn to certain leaflets that were distributed on the lower deck of all the ships at Portsmouth on the eve of the general election; whether he has any reports showing that the recent disturbances at Portsmouth were in any way due to the effect produced by those leaflets; and, if so, what steps he proposes to take to prevent the distribution of such leaflets in the future.

MR. EDMUND ROBERTSON: My attention has been called to this matter by the hon. Member's Question and by a letter from him. The Admiralty have no reason to believe that these leaflets had any connection with disturbances which took place eleven months afterwards. As there is no evidence to show how the leaflets were in fact distributed, it is impossible to make any regulation on the subject.

MR. HICKS BEACH asked whether it was not a fact that these leaflets contained mis-statements of a remarkable kind; whether they were not in the nature of an incitement to insubordination; and whether it was not desirable that some steps should be taken to prevent in the future the distribution of leaflets of this kind.

MR. EDMUND ROBERTSON: Nobody knows how they came to be distributed.

CAPTAIN HERVEY (Bury St. Edmunds) asked whether the right hon. Gentleman would obtain the opinion of the commanding officers at Portsmouth as to whether these leaflets had anything to do with the disturbance. He understood that in their opinion they were directly responsible for it.

MR. EDMUND ROBERTSON: I should like notice of that Question.

***MR. BRAMSDON** (Portsmouth) asked whether it was not a fact that the only possible effect this innocent leaflet could have had was to convince members of the lower deck that they should vote for the present Members, and thus conduce to the great victory they had won.

[No Answer was returned.]

† See Col. 981.

Admiralty Contractors and Fair Wages.

MR. JENKINS: I beg to ask the Secretary to the Admiralty whether he is aware that Messrs. Thorneycroft, Government contractors, Southampton, have sub-let some painting work on their new torpedo boat and on the trooper "Reiva"; whether the Admiralty countenance the sub-letting of contracts; and whether, seeing that these sub-contractors are not paying the trade union rate of wages for the district, he proposes to take any steps to secure the observance of the fair wages resolution.

MR. EDMUND ROBERTSON: This Question only appeared on the Paper yesterday morning, and inquiries will be necessary before an Answer can be given.

Bricklayers' Wages in Chatham Dockyard.

MR. T. F. RICHARDS (Wolverhampton, W.): I beg to ask the Secretary to the Admiralty whether, in view of the fact that the maximum rate of pay for bricklayers in Chatham Dockyard, namely, 33s. per week, is 1s. per week less than the maximum obtaining at Portsmouth Dockyard, he will have the maximum at Chatham raised to the same as that at Portsmouth.

MR. EDMUND ROBERTSON: Yes, Sir.

Royal Naval College, Greenwich—Christmas Day's Wages.

*MR. W. T. WILSON (Lancashire, Westhoughton): I beg to ask the Secretary to the Admiralty whether he is aware that a notice has been posted at the Royal Naval College, Greenwich, informing the workmen employed there that they will not be paid wages for Christmas Day; whether, seeing that for many years past wages have been paid for this holiday, he will say whether the above-mentioned notice was posted with his sanction; and whether he will take steps to continue the custom that has prevailed for so many years.

MR. EDMUND ROBERTSON: This regulation applies to casual labour, but if wrongly applied at Greenwich will be withdrawn.

Stirlingshire Volunteers.

MR. SMEATON (Stirlingshire): I beg to ask the Secretary of State for War

whether, seeing that there is a deficiency of forty-two men and sixteen officers in the Stirlingshire Volunteer Battalion compared with 1st November, 1905, and that this deficiency is due in great measure to the scarcity and inconvenience of rifle ranges, and seeing that all the landlords who have been asked to sell or let ground for rifle ranges have refused, he will take steps to increase the number of rifle ranges, and, in the event of landlords unreasonably refusing to sell or let the necessary land, he will warn them that, under The Militia Act, 1882, they may be displaced from their Deputy-Lieutenancies.

THE SECRETARY OF STATE FOR WAR (MR. HALDANE, Haddington): I have dealt very fully in my Answer to the hon. Gentleman on the 3rd instant with the question of rifle ranges. As regards the last part of his Question, the Militia Act, 1882, provides that a Lieutenant shall displace a Deputy-Lieutenant whenever His Majesty may think fit to signify His pleasure, but I am not prepared on present information to issue any warning such as the hon. Member suggests.

Piershill Barracks.

MR. WALTER LONG (Dublin S.): I beg to ask the Secretary of State for War whether it is not the fact that the report recently made by combined military and civil medical men upon the condition of the Piershill Barracks, Edinburgh, expresses their concurrence in the following statement made by the Director-General of the Army Medical Services—that "it is difficult to express in moderate language the conditions under which these officers are accommodated"; whether the report upon the men's accommodation was not also most unsatisfactory, and whether the following general statement was not also made, that the absence of actual cases of illness does not indicate freedom from grave danger, and whether in these circumstances he cannot see his way to make without delay some temporary arrangement in order to avoid the serious risks to which under existing circumstances both officers and men are undoubtedly exposed.

MR. HALDANE: These reports confirm me in the opinion that as soon as accommodation elsewhere can be provided

the cavalry should be removed from these barracks. As I have already said in reply to a supplementary Question put to me by the right hon. Gentleman on the 17th instant,† we do not regard the risks of the regiment remaining a little time longer to be substantial, and he will realise that the hasty adoption of temporary arrangements, especially at this time of the year, might lead to more serious results than those which he wishes me to avoid.

North Western Indian Frontier.

DR. RUTHERFORD (Middlesex, Brentford): I beg to ask the Secretary of State for India whether he will have a map of the North Western Frontier of India printed and circulated amongst Members of the House showing the statutory border of British India, British garrisons, railways (military and otherwise), and the physical character of the country lying between British India and the nearest Russian outposts.

*THE SECRETARY OF STATE FOR INDIA (MR. MORLEY, Montrose Burghs): The requirements of the case seem to be sufficiently met by the map of the North West Frontier Province published with the Moral and Material Progress Report of 1900-1 which of course has been presented to Parliament. All the information that can be made public will be given in the maps of the forthcoming *Gazetteer* which will show the administrative border, the districts beyond it under direct British administration and "Native States" territory. But these maps will not be ready until the autumn of next year.

Education in Assam.

MR. HICKS BEACH: I beg to ask the Secretary of State for India whether it has yet been found possible to provide additional facilities for the education of children employed on the tea gardens in Assam and other Indian provinces.

MR. MORLEY: The Question is still under the consideration of the Government of India. I will inquire how the matter now stands.

St. Paul's School, Darjeeling.

MR. LAIDLAW (Renfrewshire, E.): I beg to ask the Secretary of State for

India if the Government of Bengal has given, or is about to give, special financial aid to St. Paul's School, Darjeeling, which is not available to other denominational schools.

MR. MORLEY: I have no information on the subject, but if the hon. Member will communicate to me the information upon which his Question is founded, I will make inquiry.

Garrison Church at Colaba, Bombay.

MR. J. D. WHITE (Dumbartonshire): I beg to ask the Secretary of State for India, what was the cost of the Government garrison Church at Colaba, Bombay, and by whom it was paid; what is the annual cost of maintaining that church, and by whom it is paid; whether the Presbyterian soldiers of the regiment of Royal Scots, and soldiers belonging to other non-episcopal denominations, have been refused the use of the church at hours which would not conflict with the present services; if so, on whose authority such leave was refused, and on what grounds; and whether steps will be taken to ensure something approximating equal opportunities for soldiers of all denominations in those garrison churches in India which have been built and are maintained by public money.

MR. MORLEY: The cost was met by private subscription and public revenues combined; it is maintained at the expense of the State. I do not know the actual amount. As to Presbyterian and other non-Anglican soldiers, I gave an answer to a similar Question on Monday.‡ Permission to use the church regularly for Presbyterian services was withheld by the Bishop of Bombay, with whom the decision is held by law to lie, on the ground that a Presbyterian church was available during the cold weather. Arrangements have now been made, as to India generally, which will ensure in future adequate church accommodation for soldiers of all denominations.

Labour Recruitment in Portuguese East Africa.

MR. REES (Montgomery Boroughs): I beg to ask the Under-Secretary of State for the Colonies, whether he is aware

† See Col. 1014.

‡ See Col. 1266.

that the neighbouring British Protectorates are dependent to a considerable extent upon Portuguese East Africa for labour; and whether he will arrange that the requirements of such protectorates are not overlooked when the interests of individual groups of mines in the Transvaal are represented to the Administration of Mozambique.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (Mr. CHURCHILL, Manchester, N.W.): The Secretary of State is aware that Portuguese native labour is employed in the neighbouring British Protectorates; he does not anticipate that the proposed arrangements with the Portuguese authorities would affect that supply; but he will take care that the Administrations of Protectorates likely to be interested have an opportunity of making any representations they may desire.

Chinde Foreshore.

MR. REES: I beg to ask the Under-Secretary of State for the Colonies, whether, in view of the need for action in respect of the fast-disappearing foreshore at Chindé, he can make any statement as to what the Government proposes to do before Parliament rises.

MR. CHURCHILL: His Majesty's Government is awaiting a reply from the Government of Portugal as to the matter, and it will be impossible to make any statement pending the receipt of the reply.

Primary Education in Ceylon.

MR. HICKS BEACH: I beg to ask the Under-Secretary of State for the Colonies when it is proposed to take steps to carry out the recommendations of the Commission on Primary Education in Ceylon, appointed in January, 1905, especially as regards the provision of adequate facilities for the education of the children of Indian coolies employed on the plantations in Ceylon.

MR. CHURCHILL: I understand that the draft Ordinance for extending educational facilities in the country districts of Ceylon is still under the consideration of the Colonial Government and Legislature.

Grievances of Natal Natives.

MR. KEIR HARDIE (Merthyr Tydvil): I beg to ask the Under-Secretary of State for the Colonies whether he has received a memorial, sent through the Governor of Natal, from Mr. Joseph Baynes, a colonist of over fifty years standing and a member of the Legislative Council of Natal, anent certain grievances affecting the natives; and whether he has taken, or proposes to take, any action in connection therewith.

MR. CHURCHILL: The Secretary of State has received such a document calling his attention to disabilities from which the natives are suffering and more particularly to the Game Law Consolidating Act, 1906. The Act in question is in operation and Ministers have pointed out that it contains no material alterations of the previously existing laws which, they say, have never been found to bear hardly on the native. The Secretary of State is not prepared to advise His Majesty to exercise his power of disallowance with respect to the Act. In regard to the other matters, Mr. Baynes holds a seat in the Natal Parliament and has had and will have the opportunity of bringing his views before it. They are not matters in any respect outside the competence of that assembly.

East Indians in the West Indies.

MR. SUMMERBELL (Sunderland): I beg to ask the Under-Secretary of State for the Colonies what sum, if any, is set apart by this Government in assisting the importation of East Indian indentured immigrants to the West Indies.

MR. CHURCHILL: No money is spent by His Majesty's Government in assisting the importation of East Indian indentured immigrants into the West Indies.

Newspaper Censorship in the Soudan.

DR. RUTHERFORD: I beg to ask the Secretary of State for Foreign Affairs whether he has now received answers to the inquiries with reference to an order of the Soudan War Office prohibiting admission of the Cairo newspaper *Al Minbar* into the Soudan; and whether that order has now been rescinded, and, if not, upon what grounds is it maintained.

THE SECRETARY OF STATE FOR FOREIGN AFFAIRS (Sir EDWARD GREY, Northumberland, Berwick): His Majesty's Agent and Consul-General in Cairo reports that the Governor-General of the Soudan exercises a discretionary power as to the newspapers which are allowed to circulate in that country, and that the circulation of *Al Minbar* and some others is prohibited. As regards the question raised by the hon. Member on November 15th last as to whether the Soudan is still under martial law,† I would refer him to Article 9 of the Anglo-Egyptian Convention of January 19th, 1899, which runs as follows:—"Until, and save so far as it shall be determined by Proclamation, the Soudan, with the exception of the town of Suakin, shall be and remain under martial law." This Article has not been repealed, but it is of course only intended to be put into operation in exceptional cases. Laws and regulations, approved by His Majesty's Government and the Government of Egypt, and enforced through regularly constituted tribunals, are in vigour throughout the whole of Soudanese territory.

British Trade at Newchwang.

SIR FREDERICK CAWLEY (Lancashire, Prestwich): I beg to ask the Secretary of State for Foreign Affairs whether he is aware of the complaints made by the British mercantile community of Newchwang as to the injury done to British trade by the evading by the Japanese of duties collectable by the Chinese Government on goods passed through the leased territory of Liaotung and across the northern boundaries of Manchuria, and by preferential railway rates; if he proposes to take any steps in regard thereto; and whether he is in a position to give any information as to when Newchwang will be evacuated by the Japanese.

SIR EDWARD GREY: His Majesty's Government understand that the establishment of a Customs station at Dalny depends upon the simultaneous establishment of a Customs station for goods entering Manchuria from the north, as to which negotiations are at present proceeding between the Russian and Chinese Governments. His Majesty's

Government have no reason to believe, from inquiries they have made, that Japanese goods receive preferential railway rates on the Chinese Eastern Railway, as compared with other goods carried on the railway, but if they are furnished with any evidence to that effect further investigation will be made. The Japanese Consul at Newchwang notified his colleagues on the 5th instant that the military administration at that port would be withdrawn on the 6th.

British Teacher in Berlin Asylum.

MR. KEIR HARDIE: I beg to ask the Secretary of State for Foreign Affairs whether his attention has been called to the alleged compulsory detention of Mr. George Duncan, M.A., late teacher of English at the Royal Staff College at Berlin, in the lunatic asylum at Buch, near Berlin; and whether he will direct immediate inquiries to be made into all the circumstances, with a view to his liberation or return to this country, of which he is a native.

SIR EDWARD GREY: The matter is before the Lunacy Commission, who are waiting for a translation of the judgment given by the German Court. If the hon. Member desires it, I shall be glad to let him see the translation and the medical opinions on Mr. Duncan's condition.

Gold Reserve.

MR. STRAUS (Tower Hamlets, Mile End): I beg to ask Mr. Chancellor of the Exchequer whether he will consider the desirability of legalising the issue of £1 bank-notes, under certain restrictions, so that the gold reserve would be increased and money would be at a less rate than is the case at present.

THE CHANCELLOR OF THE EXCHEQUER (Mr. ASQUITH, Fife, E.): The permanent effect of an issue of £1 notes on the gold reserve is a question upon which there is much difference of opinion. I cannot at this moment commit myself to any of the conflicting views; but, as I have said before, the question of gold reserves in all its aspects is engaging my careful attention.

Adulteration of Coffee.

MR. REES: I beg to ask Mr. Chancellor of the Exchequer whether he is

† See (4) *Debates*, clxv., 100-101.

aware that the export trade in coffee and the duty collected on coffee have largely declined; that the General Committee of the London Chamber of Commerce has recorded a resolution to the effect that the requirements of the present Food and Drugs Act, in reference to forms of label, are not sufficient for the protection of the public; and that the law as to admixture and the declaration to the purchaser need to be greatly strengthened in the interest of the retail seller and the consumer of coffee; and whether he will introduce legislation requiring the use of a label specifying the proportion of coffee and of inferior substances in every admixture offered for sale as coffee.

I beg also to ask Mr. Chancellor of the Exchequer whether he is aware that the consumption of coffee has largely decreased; that the admixtures sold by retail tradesmen as coffee contain from 70 to 90 per cent. of chicory; that the value of this root per pound is 3d. to 3½d., as against 1s. 0½d. per pound for the berry: and whether he will propose legislation at an early date for the protection of coffee, coffee planters, and coffee consumers.

MR. ASQUITH: I do not know quite what my hon. friend means by the export trade in coffee.

MR. REES: Re-exports.

MR. ASQUITH: As regards the Customs import duties, I do not trace any systematic decline, and the figures for 1906, so far as they are available, do not appear to be appreciably below the average of the past ten years. I have not seen the resolution of the general committee of the London Chamber of Commerce on this subject, but the question of the protection of the consumer against food adulteration is not one with which it is my duty as Chancellor of the Exchequer to deal. The Inland Revenue labels are merely stamps denoting uniform rates of duty, irrespective of the quality of the mixtures to which they are affixed. I do not know what is the relative proportion of coffee and chicory in the admixtures sold by retail tradesmen, and, so long as the duties upon the two ingredients are practically equal, the matter does not directly concern the Exchequer. From the point of view of

the revenue I see no reason for introducing legislation.

Collection of Taxes in Scotland.

MR. C. E. PRICE (Edinburgh, Central): I beg to ask Mr. Chancellor of the Exchequer if he is aware that the notices to pay the income-tax are issued in Scotland from two to three months earlier than they are issued in England, and that a considerable number of persons in Scotland pay the income-tax early in November, some weeks before the notice to pay is issued to the taxpayers in England; and whether he will give instructions that notices to pay be issued on the same date in England as in Scotland.

MR. ASQUITH: It is true that the notice of assessment in Scotland also serves the purpose of the first demand note, while in England the notice of assessment is sent separately and the first demand follows at a later date. In each case, however, the demand is issued before 1st January, and makes it clear that there is no obligation to pay before that date. The subsequent demand notes, which are served before any proceedings are taken in cases of default, are issued at the same date in both countries. It appears to be not unusual in Scotland for the taxpayer to pay on receipt of the first notice and before the date on which the tax is legally exigible; but as I have said, there is nothing in the terms of the notice to suggest that he is under any obligation to do so. I need not say that I am most anxious that Scotland should be treated at least as well as any other part of the United Kingdom, and I believe that whatever grievance there may be has arisen from the superiority of the Scottish system, and from the greater promptitude and punctuality of the Scottish people in discharging their obligations.

MR. MORTON: I beg to ask Mr. Chancellor of the Exchequer whether he will arrange that with regard both to the sending out of notices and collection of taxes Scotland should be treated as fairly as other parts of the United Kingdom.

MR. ASQUITH: So far as pressure by the Revenue officers is concerned and the dates at which various degrees of pressure are exercised, the practice in the two countries is now absolutely identical.

There is, it is true, a slight difference of procedure as regards the sending out of the notices of assessment and the first demand, on which I would refer my hon. friend to the reply which I have just given to the hon. Member for Central Edinburgh.

Beer and Lunacy.

MR. FELL (Great Yarmouth): On behalf of the hon. Member for the City of London, I beg to ask the President of the Local Government Board whether the percentage of recoveries in the Three Counties Asylum, Arlesey, where 32,800 gallons of beer were consumed last year, was larger than in any asylum in London or in any other part of England; and whether the cost per patient was also less than in London or in any other part of England.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (MR. GLADSTONE, Leeds, W.): I beg to answer this Question on behalf of my right hon. friend. The percentage of recoveries in the Three Counties Asylum in the last year was 31.4 per cent., while in the London asylums (excluding the epileptic colony) it was 38.8 per cent., and in the asylums of England and Wales generally it was 37 per cent. The total average weekly cost of maintenance in the Three Counties Asylum was 9s. 6½d., while in the London asylums (excluding the epileptic colony) it was 11s. 3d., and in the asylums of England and Wales the average cost was 10s. 4d. But in the case of more than one-third of those asylums the cost of maintenance was less than at the Three Counties Asylum.

Fatal Accident at Dakin's Warehouse, Lambeth.

MR. THORNE (West Ham, S.): I beg to ask the Secretary of State for the Home Department whether his attention has been called to the death of Richard William West, aged fifteen, a porter employed at Messrs. Dakin and Co.'s tea warehouse, Cornwall Road, Lambeth, through putting on a driving belt while the machinery was in motion, and, in consequence of the jury expressing the opinion that the accident was the result of culpable negligence on the part of the firm in not having proper supervision of the whole

of the work of the department, whether he will consider the possibility of taking criminal proceedings against the management of the firm; and whether, in view of the custom prevailing in all factories for driving belts to be put on the shafting wheels whilst the machinery is in full speed, he is prepared to issue an order to factory owners against allowing such a practice.

Notice had been given also of the following Question:—

MR. CHIOZZA MONEY (Paddington, N.): To ask the Secretary of State for the Home Department if his attention has been directed to the inquest held at Lambeth, on 15th December, on Richard William West, aged fifteen years, when the coroner's jury expressed the opinion that death was the result of culpable negligence on the part of the Dakin Tea Company, and that more safeguards ought to be provided for the machinery, and when the coroner, Mr. Troutbeck, commenting on the case, said that the deceased boy, who was described as a foreman, had had no training and no experience, that it was a case of child labour, and that the circumstances were such as to invite accidents; if he will state upon what dates in the past two years His Majesty's factory inspector visited the Dakin Tea Company's warehouse; and what reports were made by the inspector as the result of his visits; and what action he proposes to take in the matter.

MR. GLADSTONE: I will answer with this the Question of my hon. friend the Member for North Paddington. I have received reports with regard to this accident, from which it appears that it was caused by the deceased attempting to fix a belt on the pulley of some overhead shafting while in motion. It was not due to any want of fencing or other breach of the Factory Act, and no proceedings are possible. The work was in my opinion such as a boy of fifteen should not have been allowed to perform, and I understand the firm have now arranged that the engineman shall have sole charge of the machinery. Visits were paid to this factory by inspectors in May, 1905, and in September and October, 1906, and instructions

given with respect to the fencing of the machinery. I am not satisfied that proper supervision was exercised or proper precautions taken in this case, and I am making further inquiries.

MR. CHIOZZA MONEY inquired if it was the case that the factory inspector for this district had no acquaintance with practical engineering?

MR. GLADSTONE: I will ascertain.

Privilege Cabs in London Stations.

MR. WILES (Islington, S.): I beg to ask the Secretary of State for the Home Department whether he is aware that, notwithstanding the recommendations of the Select Committee on Cabs and Omnibuses, the railway companies still refuse to open their London stations to other than privilege cabs; and, if so, whether he will consider the advisability of introducing a short Bill in the next session of Parliament to compel them to do so.

MR. GLADSTONE: I am taking action in this matter, but I fear I cannot say more at the present time.

Laundry Workers.

MR. ARTHUR HENDERSON (Durham, Barnard Castle): I beg to ask the Secretary of State for the Home Department whether the International Convention signed at Berne in September last applies to the night-work of women generally; whether, in addition to the two instances mentioned in the Memorandum, it extends to women employed in laundries; and, if so, whether this occupation will be included in the Bill to be presented to Parliament.

MR. GLADSTONE: The Convention applies to night-work in industrial undertakings. The definition of "industrial undertaking" is left to each State to settle, but it must in every case include mines and quarries and industries in which articles are manufactured or materials transformed. The Convention imposes no obligation in respect of the hours of work in laundries. I propose to deal with that subject in the Bill which I hope to introduce next session to regulate the conditions of employment in laundries, and not in the Bill which

will be introduced to fulfil the requirements of the Berne Convention.

Shop-closing Hours.

MR. SNOWDEN (Blackburn): I beg to ask the Secretary of State for the Home Department if his attention has been called to the prosecution, before the Accrington magistrates, of a boot and shoe retailer, under the Shop Hours Act, for selling his wares by public auction after the hour at which the boot and shoe shops must close under the local Order, and that the magistrates decided that he was entitled to carry on business by public auction unaffected by the Closing Order; and will he consider some amendment of the law which will prevent such breaches of the spirit and purpose of the Shop Hours Act.

MR. GLADSTONE: I had not previously heard of the prosecution referred to; but I will obtain full information and consider carefully the point raised by the hon. Member.

Crewe—Discharge of Railway Workmen.

MR. CLYNES: I beg to ask the Secretary of State for the Home Department, in reference to the stoppage of workmen at the North Western Railway works at Crewe, whether he is aware that the works manager stated that old workmen of very long service were dismissed in their own interest, inasmuch as they might meet with accidents because of age; and whether he can take any action to protect men from dismissal whose age is considered to involve risks for compensation or make other provision for such men by railway regulations.

MR. GLADSTONE: I have seen the newspaper report of the statement referred to, but I am afraid that I have no power to take any action in the matter.

The House of Lords Veto and Plural Voting Bill.

MR. STRAUS: I beg to ask the Prime Minister whether, owing to the action of the House of Lords in throwing out the Plural Voting Bill, which dealt solely with the representation of the people in the House of Commons, he will take steps to bring in further legislation dealing with the question of plural voting, and also the principle that the Commons

should be the authority to decide how they should be elected.

MR. GLADSTONE (for Sir H. CAMPBELL-BANNERMAN): I do not think that this is the most convenient moment for making a statement on this Question, though I can quite understand the motives of my hon. friend in asking it.

Importation of Canadian Cattle.

MR. WATT (Glasgow, College): I beg to ask the Prime Minister whether his attention has been called to the fact that statistics show that Canadian cattle are the healthiest cattle in the world; and whether, in view of this, along with the knowledge that the majority of Liberal Members of the House have pledged themselves to free trade in this matter, he will promise legislation for the free importation, but with adequate inspection, of Canadian cattle.

MR. GLADSTONE (for Sir H. CAMPBELL-BANNERMAN): I am afraid I cannot give my hon. friend the promise he desires. The House of Commons, in whose hands the Question was left, have decided against the view entertained by my hon. friend and a large number of other hon. Members on this side of the House. There the matter must remain until by another vote the House think proper to revise their decision.

The Death at a Convent.

MR. T. L. CORBETT (Down, N.): I beg to ask the Home Secretary whether his attention has been called to the inquest held at Kensington on Miss E. Tibworth, who died in a convent at Notting Hill on Friday; whether the coroner said it was important to know something of the inner working of this place, which was more or less outside the law; and whether he intends to take any steps to obtain such information.

MR. GLADSTONE said his attention had been drawn to the case, and he thought the hon. Member had correctly quoted the words of the coroner, who made an exhaustive inquiry into all the circumstances connected with the death of this lady. According to the medical evidence the death was due to syncope, and there was no sign of poisoning, and the jury returned a verdict in accordance

with the medical evidence. Therefore he saw no reason to make any inquiry.

MR. JOHN REDMOND (Waterford) asked the right hon. Gentleman whether his attention had been called to the evidence of the doctor, who was not a Roman Catholic, but who bore testimony to the charity of the members of this congregation and to the good work they were doing; and that the coroner himself said he was delighted to hear it.

MR. GLADSTONE said he had only got the Report which he held in his hand. The inquiry was of an entirely satisfactory character.

MR. T. L. CORBETT pressed the right hon. Gentleman to say whether he intended to take any action on the coroner's words that these institutions were more or less outside the law.

MR. GLADSTONE replied that he would be guided by the verdict of the jury.

Merthyr Official Receiver.

MR. KEIR HARDIE: I beg to ask the President of the Board of Trade whether any decision has yet been arrived at by his Department anent the office of the official receivership in bankruptcy in the Merthyr district.

THE PRESIDENT OF THE BOARD OF TRADE (Mr. LLOYD-GEORGE, Carnarvon Boroughs): As the hon. Member has already been informed privately, the Board of Trade, having regard to the convenience of the North Glamorganshire Bankruptcy District as a whole, have decided that the new official receiver must have his office at Pontypridd.

In reply to a further Question,

MR. LLOYD-GEORGE said he left the decision of this matter in the hands of the Inspector General in Bankruptcy.

Easingwold Railway Fatality.

MR. BARNES (Glasgow, Blackfriars): I beg to ask the President of the Board of Trade if his attention has been called to the circumstances attending the death by accident of a boy named Robert William Gill, aged fourteen, who was killed while

engaged in shunting operations on the Easingwold railway; and if he can take steps to prevent young persons being employed on railways in dangerous work such as stoking or shunting.

MR. LLOYD-GEORGE: This sad accident has been notified to the Board of Trade by the Railway Company concerned, and I have ordered an inquiry to be held by an officer of the Department.

Hull Signalmen's Grievances.

MR. HUDSON: I beg to ask the President of the Board of Trade if he is aware that the rearranged hours of duty of the gate signalmen at the St. George's Road and Hawthorn Avenue Level Crossings, Hull, North Eastern Railway, are for all men engaged at those cabins seven turns of twelve hours on night duty and six turns of twelve hours on day duty each week, without any clear Sunday off duty; whether he is aware that at the St. George's Road cabin there is one home, one distant, and one repeating signal on the up line, and a home and a distant signal on the down line, that at Hawthorn Avenue cabin there are home and distant signals on up and down lines, that gates are worked from each cabin, that bell signals are repeated through both cabins and have to be observed and obeyed, that an average of 200 trains pass in the twenty-four hours, and that between 5,000 and 6,000 people cross the lines each day; and whether he will make inquiries into the matter by one of the inspecting officers of his Department with a view of bringing about a reduction of the hours worked.

MR. LLOYD-GEORGE: I understand that the regular hours of these men are as stated by the hon. Member, and that in changing from day to night duty or *vice versa* they have an interval off duty of twenty-four hours. I have no detailed information in regard to the particulars mentioned in the second part of the Question. In view, however, of the representations conveyed in the Question that the hours worked are excessive, I will cause full inquiry to be made in accordance with the Railway Regulation Act, 1893.

Lancashire and Yorkshire Railway— Guards' Hours of Duty.

MR. WARDLE (Stockport): I beg to ask the President of the Board of Trade,

if his attention has been called to the case of a goods guard at Wigan, on the Lancashire and Yorkshire Railway, who worked twenty hours on the 13th instant, and another who worked twenty-two hours and ten minutes on the same day; whether he is aware that another who had worked over twenty-one hours was reprimanded because he refused to come on after only eight hours' rest; and whether, in view of the hours prevalent on this line, he will take special steps in the matter.

MR. LLOYD-GEORGE: Yes, Sir. Upon the representations contained in a letter received from the hon. Member on the 15th instant I am causing careful inquiry to be made.

British Flag on Foreign Owned Steamers.

MR. T. L. CORBETT: I beg to ask the President of the Board of Trade whether any agreement is in existence authorising steamers belonging to English companies, which have been purchased by the International Mercantile Marine Company, and which are therefore foreign-owned, to fly the British flag; and whether, in view of the provision in the law that the burden of proving a title to the use of the British registry shall lie upon the users, he proposes to take any steps in the matter.

MR. LLOYD-GEORGE: Article 2 of the trilateral agreement signed on the 1st August, 1903, between the Government and the International Mercantile Marine Company and certain British shipping companies stipulates that the British companies included in the Association shall continue to be British companies qualified to own British ships, and that a majority at least of their directors shall be British subjects. No agreement, however, would enable any ships to fly the British flag if it did not comply with the provisions of the Merchant Shipping Act, 1894. I do not propose to take any steps in the matter.

MR. T. L. CORBETT: Will the right hon. Gentleman inquire whether they are really British owned?

MR. LLOYD-GEORGE: As long as they comply with the conditions of the Merchant Shipping Act I see no reason to do that.

SIR GEORGE DOUGHTY (Grimsby): Does this apply to foreign-owned trawlers?

[No Answer was returned.]

Grants to Distress Committees.

MR. THORNE: I beg to ask the President of the Local Government Board if he has sent a letter to any of the distress committees stating that no money will be granted after March next from the £200,000 set aside by the Government last July for the relief of the unemployed; whether the whole £200,000 will all be granted between now and then, seeing that only £29,450 had been granted up to last Thursday evening, the 13th December, to eleven distress committees; and whether grants have been refused to any distress committees who have made application for assistance.

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. JOHN BURNS, Battersea): The sum of £200,000 has been granted by Parliament to defray charges which will come in course of payment during the financial year ending on 31st March next. It will not be practicable that payments should be made out of it after that day, and I have so stated in a letter to the West Ham Distress Committee. I anticipate that I shall find it necessary to distribute the whole of the share of England and Wales in the grant by the end of the financial year, although, of course, I cannot at present state definitely that this will be the case. There have been instances in which I have not felt able to comply with applications of the kind referred to in the last part of the Question.

Powers of Local Distress Committees.

MR. THORNE: I beg to ask the President of the Local Government Board whether, in view of the many cases coming before distress committees of applicants who have received temporary poor relief (other than medical relief) for their families when some member of the family was weak through prolonged privation, not knowing that thereby they became disqualified for relief under the Unemployed Workmen Act, 1905, he will take into consideration the expediency of restoring to local distress committees and the Central (unemployed) Body for London the discretionary powers

they possessed of making exceptions in such cases under sub-division (1) of Article II. of the Regulations (Organisation for Unemployed), 1905, as amended by the temporary Regulations (Organisation for Unemployed), 1905 and 1906.

MR. JOHN BURNS: The discretionary powers referred to enabled assistance to be given under the Act in suitable cases to persons who had received Poor Law relief during a limited period. This period expired generally on 1st January last. The object was to meet cases in which hardship might have arisen from excluding persons who were compelled to have recourse to Poor Law relief before the Act was passed, or the distress committees were in a position to receive applications. The considerations which led to the temporary powers being given have now ceased to apply, and it does not appear to me that they could properly be extended as suggested. I may add that the Act was intended to deal with a class of persons who would not ordinarily come within the operation of the Poor Law.

Women as Local Government Inspectors.

DR. COOPER (Southwark, Bermondsey): I beg to ask the President of the Local Government Board whether, as the majority of persons detained in workhouses, sick asylums, and parochial schools are women and young children, he will consider the advisability of appointing women as general inspectors of the Local Government Board.

MR. JOHN BURNS: The general inspectors have important duties besides those in which the classes referred to are concerned. I could not give any undertaking to appoint women to these inspectorships; but I may point out that there is an assistant lady inspector who visits Poor Law institutions in the Metropolitan district with special reference to women and children and to the sick.

DR. COOPER: But surely the right hon. Gentleman is aware that women are as competent as men to carry out the other duties?

Local Government Auditors.

DR. COOPER: I beg to ask the President of the Local Government Board

what are the conditions governing the appointment of an assistant auditor of the Local Government Board; whether the appointment is by nomination; whether it is required that the person appointed shall have passed any examination in or possess any special knowledge of accounts; whether an assistant auditor is paid, and at what rate; and whether he will consider the advisability of requiring in future that all candidates for this position shall have passed some examination in accounts before appointment.

MR. JOHN BURNS: The existing conditions for the appointment of an assistant auditor are that the applicant shall be a chartered or incorporated accountant, or a barrister or solicitor, or have undergone a course of training with a district auditor, or have served in the Department of the Local Government Board. Appointments are made by the Board from persons who satisfy these conditions, and appear to them to be in other respects suited for the office, but no nomination is necessary. Nor is the passing of a special examination required; but I will take note of the suggestion that such a requirement should be made. The salaries of the assistant auditors range from £300 to £450 a year.

Private Bill Legislation.

MR. BRIGG (Yorkshire, W.R., Keighley): I beg to ask the President of the Local Government Board if he will consider the desirability of introducing a Bill in the next session of Parliament to comprise the various clauses allowed during the sessions of 1904, 1905, and 1906, by the Police and Sanitary Committee in improvement Bills promoted by municipal and sanitary authorities, so as to enable local authorities without incurring the expense of promoting a Private Bill, to adopt all or any of the powers conferred by those clauses in the same manner as has been allowed by Parliament in the case of the Infectious Disease Prevention Act and the Public Health Amendment Act of 1890.

MR. JOHN BURNS: I will give early consideration to the suggestion, but I cannot make any promise as to the introduction of a Bill next session.

County Council Register of Motor Cars.

MR. MACLEAN (Bath): I beg to ask the Secretary of State for the Home Department whether the registers kept by county councils containing the names of the owners of and the numbers of motor cars are open to the inspection of the public; and, if not, will he, in the public interest, take steps to make such registers open to inspection on payment of a nominal fee or on compliance with reasonable regulations.

MR. JOHN BURNS: My right hon. friend has asked me to reply to this Question. The registers referred to in it are not open to the inspection of the public, but a person can have a copy of the entries relating to any specified motor-car on payment of a fee of 1s., if he shows that he has a reasonable cause for requiring it. The point whether the registers should be open to inspection was considered by the Royal Commission on Motor Cars, but they did not think that sufficient cause had been shown for amending the regulation on the subject in the direction indicated. I will, however, note the suggestion.

In reply to further Questions,

MR. JOHN BURNS said he was aware of the fact that the police sometimes had considerable difficulty in getting the names of owners, and, in his judgment, the police ought to have equal access with the public, under proper safeguards, to these registers, if there was real cause for looking at them. He was aware, too, that under certain circumstances owners of motor cars might be subjected to considerable annoyance, and perhaps intimidation, through their names and addresses becoming known to advertising touts if these registers were open without any qualification. The Royal Commission had that aspect of the question before it.

Ramsey District Council and Allotments.

MR. BOULTON (Huntingdonshire, Ramsey): I beg to ask the President of the Local Government Board if the urban district council, Ramsey, Hunts, has given any explanation why the council has declined to apply for permission to put into operation the

Parish Councils Act of 1894, so that the council may acquire land by compulsory powers for allotments.

MR. JOHN BURNS: I communicated with the urban district council on this subject. They appear to have considered that the grounds on which it was desired that they should obtain the powers of a parish council under Section 10 of the Local Government Act, 1894, with regard to allotments, were, firstly, that more than one acre of land could then have been let to an applicant, and, secondly, that the lands could have been hired compulsorily. They point out, however, that if lands were hired compulsorily the council could only have allotted to an applicant either four acres of pasture land or three acres of pasture and one acre of arable land. But they say that there is no pasture land in many districts where the applicants reside, neither is there a desire for any, and that the result of the compulsory powers would have been that the applicants could have obtained one acre of arable land. This they can do now. It is further stated that the council are quite certain that lands taken under compulsory powers would be at a considerably higher rent than they now are, that wherever lands have been asked for they have been granted, and that more land has been offered to the council than they had applicants for.

Compulsory Purchase of Land for Allotments.

MR. BOULTON: I beg to ask the President of the Local Government Board if he will, at the earliest opportunity, bring in a Bill for the purpose of amending the existing law of allotments by extending the compulsory power of purchase.

MR. JOHN BURNS: Local authorities can already purchase land compulsorily for allotment purposes. I presume, however, that my hon. friend desires that the law should be amended so as to confer on urban district councils in all cases the power which a parish council possess of hiring land compulsorily for allotment purposes. As he is aware, an urban district council can now obtain this power on application to the Local Government Board. I will take note of his suggestion, but I cannot

promise to introduce a Bill on the subject.

Local Government Loans—Wrexham Inquiry.

MR. SNOWDEN: I beg to ask the President of the Local Government Board if it is the practice of the Board to decline to sanction in a loan for a permanent improvement any sum paid as wages to corporation workmen engaged on the work, while no such deduction for wages is made if the work be done by private contractors; if he is aware that at a recent inquiry at Wrexham the inspector of the Board was unable to give any reason for such a practice, and that the borough accountant said he had never been able to understand on what principle the rule was based; and whether, in view of the discouragement to direct employment by this rule, he will withdraw it.

MR. JOHN BURNS: The view taken by the Local Government Board is that the wages of workmen permanently employed by a local authority should not be paid out of borrowed money, and consequently it is their practice to exclude from the amount to be borrowed for works to be executed by the authority any sums which would be paid in respect of such wages. I have no information as to what the inspector said on this subject at the inquiry at Wrexham, but I understand that in that case the sum proposed to be borrowed did not include any sum to be paid to the regular staff of the town council. There does not appear to me to be any sufficient reason for altering the rule in this matter. My hon. friend will observe that the rule only applies where the workmen are permanently employed by the local authority, and does not prevent the authority from carrying out works themselves by means of men engaged for the purpose.

Beer for the Tredegar Guardians.

MR. T. RICHARDS (Monmouthshire, W.): I beg to ask the President of the Local Government Board if his attention has been called to an admission by the chairman of the Bedwellty Board of Guardians that he and several other members of the Board regularly sent casks of beer to the Tredegar workhouse for the use of the guardians at their

meetings, and that although he had supplied nine barrels he understood that his turn to send one had again arrived; and if he will at once take steps to prevent a continuance of this practice.

MR. JOHN BURNS: My attention has not previously been called to this matter. I will make inquiry with regard to it.

Postal Servants' Duties at Gainsborough and Bournemouth.

MR. ARTHUR HENDERSON: I beg to ask the Postmaster-General whether his attention has been called to the fact that at Gainsborough and Bournemouth skilled telegraphists have been compelled to perform the sorting of letters owing to Christmas pressure; whether he is aware that married women who have been telegraphists, and whose husbands are in constant employment in the postal service, have been given temporary employment to perform telegraph work; and whether, in view of the amount of unemployment among ordinary workpeople, he will direct that the telegraphists should be sent back to perform their own duties, while the requirements of the Post Office for letter-sorting can be met by the employment of casual labour.

THE POSTMASTER-GENERAL (Mr. SYDNEY BUXTON, Tower Hamlets, Poplar): I will have inquiry made into the matter.

Chorley Postman's Promotion.

MR. W. T. WILSON: I beg to ask the Postmaster-General whether he is aware that a postman at Chorley, Lancashire, with fifteen years service, has been promoted to position of senior postman over the heads of other postmen who have over twenty-six years service; and whether he can state the reason why this man was promoted in preference to those men with longer service.

MR. SYDNEY BUXTON: No promotion has yet been made. But in any case the most suitable officer will be selected for the vacancy.

Lavender Hill Post Office.

MR. THORNTON (Clapham): I beg to ask the Postmaster-General whether he is aware that at the district office of Battersea, at Lavender Hill, there

is no copy of the register of telegraphic addresses; and that there is no copy obtainable nearer than at the office at South Side, Clapham Common, which is at least one mile distant from the Lavender Hill office; and whether he will take steps to rectify this omission in order to prevent the inconvenience at present occasioned to persons using the Battersea district office for telegraphic purposes.

MR. SYDNEY BUXTON: Registers of telegraphic addresses are not supplied officially for the use of the public at any post office. The copy at the sub-office the hon. Member refers to is no doubt the private property of the sub-postmaster, who allows his customers to consult it.

In further reply,

MR. SYDNEY BUXTON said he was not sure that those who had registered addresses would care to have them thrown open to the public.

Manchester Post Office Engineers' Wages.

MR. CLYNES: I beg to ask the Postmaster-General whether he is aware that men between the ages of twenty-one and twenty-six years are employed in the engineering department of the Manchester Post Office who only received 17s. to 21s. per week; that some of these paid below £1 are reservists; and whether he can take any steps to increase their pay.

MR. SYDNEY BUXTON: I will have inquiry made into the matter.

School Nomenclature.

MR. CLOUGH (Yorkshire, W.R., Skipton): I beg to ask the President of the Board of Education whether, in view of the Board's circulars in November last to local education authorities, to the effect that after 15th December, 1906, the appellation of National will be omitted altogether from the official list of schools, and suggesting for that term the epithet Church of England should be substituted, he will substitute for the nomenclature of National, British, or Church of England, the name of Non-provided, associated with the village or township in single-school areas or the street in districts where there are two or more

schools, in order that denominational control may not be emphasised; and whether he will delay the publication of the new official list of schools for such a period as will enable local education authorities to give due consideration to the recommendation of their district sub-committees upon the subject.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. BIRRELL, Bristol, N.): The hon. Member has, I think, slightly misunderstood the purpose and the effects of the changes proposed in the circular. In the great majority of cases the excision of the word National from the title of the schools will not necessitate the insertion of any other phrase—Church of England or anything else—in its place. It is only in the small minority of cases, where the excision would cause confusion between one school and another, that a new distinctive term of some kind is required; and there are certain advantages, while our present system continues, in letting the name of the school indicate plainly to the parents of the children what is the nature of the school's religious instruction and of its management, since this facilitates both the parents' choice of a school and also their use of the conscience clause. I am aware, however, that there are some disadvantages as well as advantages in the arrangement; and I will give careful consideration to the point suggested by the hon. Member, though I doubt whether the precise method suggested by him would be feasible in large numbers of rural and semi-rural cases.

*MR. CLOUGH: May we have an Answer to the second portion of the Question? Can the right hon. Gentleman postpone the publication of the new official list?

MR. BIRRELL: No; I do not think I can postpone the new official list, but it will be of a temporary character, and I shall be quite open to consider the objections of the hon. Gentleman, and shall be happy to consider any objections submitted to me.

Swansea Schools.

LORD R. CECIL (Marylebone, E.): I beg to ask the President of the Board of Education, how long the legal question connected with the teachers in Swansea

schools has been before the law officers, and whether he will be able, before the end of the session, to make any statement upon a question affecting the livelihood of a number of those employed in those schools.

MR. BIRRELL: This is, I think, the eighth or ninth Question that the noble Lord has put to me, in the last few days, on this case. My Answer must be the same that I gave on the seventeenth and on the tenth of this month, viz., that I am not yet in a position, nor can I yet say when I shall be in a position, to say by what date I shall be in possession of the legal advice I must have before I can determine judicially the question referred to by the noble Lord as to teachers' salaries. I may add that I understand the local authority is continuing to pay in full the same salaries that these teachers have been hitherto receiving in these schools.

Discharge of Workmen in London Parks.

MR. SUMMERBELL: I beg to ask the first Commissioner of Works whether a number of men have recently been discharged at the central parks, the reason assigned being that the work they were engaged upon is now finished; whether he is aware that one of the men has been employed regularly for three years; and whether the paying off of men at this time of the year can be obviated, as is the case at several of the other parks.

THE FIRST COMMISSIONER OF WORKS (Mr. HARCOURT, Lancashire, Rossendale): Some casual labourers recently employed for short periods in the parks have been discharged on the completion of the work for which they were engaged, such as road repairs and the cleaning of the lake in St. James's Park. One labourer thus discharged had enjoyed a succession of jobs for three years; the other men had only been employed for a few months. I endeavour to arrange that as much work as is practicable shall be done in the winter, and I have spared no pains to obviate the misfortune of discharges at this time of year.

Licensing Compensation.

MR. CHARLES ROBERTS (Lincoln): I beg to ask the Secretary to the Treasury if his attention has been drawn to a

case decided on 1st November ultimo, by a Divisional Court of the King's Bench Division, under which it was held that certain hotels at Bedford having drinking bars with a rateable value over £25 were not entitled to claim any reduction in the compensation charge under the Licensing Act, 1904, which had been granted to them by the Bedford justices; whether he has any information showing in how many cases such a reduction has been allowed; and if he will take steps to see that where such exceptions have been granted in error the payments due shall be recovered.

THE FINANCIAL SECRETARY TO THE TREASURY (Mr. McKenna, Monmouthshire, N.): The Board of Inland Revenue inform me that they have received no full Report of the proceedings or judgment in this case, although they have observed certain references to it in the newspapers. In these circumstances it is difficult to say as yet what cases may or may not be analogous to it—or how many of them there may be. In any event I understand it is extremely doubtful whether it would be possible to recover charges not paid in full in past years; although of course care will be taken to insist on full payment in future.

London's Meat Supply.

DR. COOPER: I beg to ask the hon. Member for South Somerset, as representing the President of the Board of Agriculture whether the attention of the President of the Board of Agriculture has been directed to the shortage in the supply of cattle and sheep in the metropolitan markets and the consequent increase in the price of fresh-killed beef and mutton; and whether he will consider the advisability of removing the existing prohibition against the importation of cattle and sheep for immediate slaughter from Holland and Denmark, both of which have been officially declared to be free from foot-and-mouth disease.

SIR EDWARD STRACHEY (Somersetshire, S.): My hon. friend is unfortunately not correctly informed as to the freedom of Holland from foot and mouth disease, for two cases of that disease are reported to us officially as having occurred at Helden on the 1st inst. My hon. friend, will, I think, see that this fact affords another illustration of the danger

of assuming that because any particular country is free from disease at any particular moment no danger attaches to the importation of animals therefrom into this country. Our information is not very precise as to the extent of any shortage of supply and advance of prices, but any failure on the part of the Board adequately to discharge their statutory duty under the Diseases of Animals Acts would, we are satisfied, speedily have the contrary effect to that which my hon. friend desires.

DR. COOPER: In view of the heavy rise in price of both beef and mutton, will my hon. friend consent to admit cattle and sheep from countries officially declared free from disease?

SIR EDWARD STRACHEY: I can add nothing to my reply.

DR. COOPER: Is this a Free Trade Government on general policy, but strongly Protectionist in regard to agricultural matters?

SIR EDWARD STRACHEY: It is a Free Trade Government.

House of Commons Menus and Waiters.

MR. WATT: I beg to ask the hon. Member for Mid. Derbyshire, as Chairman of the Kitchen Committee, if he can see his way to grant a retaining fee to the waiters of the House during the Christmas recess.

SIR JAMES JACOBY (Derbyshire, Mid.): I regret the funds at the disposal of the Kitchen Committee prevent them adopting the hon. Member's suggestion.

MR. KEIR HARDIE: In the same connection, may I ask whether an English translation of the menu-cards will be provided?

SIR JAMES JACOBY: I do not think it would be desirable to alter the cards, but if it will meet the convenience of my hon. friend I will undertake that a French dictionary is provided.

MR. KEIR HARDIE: Will the hon. Member provide a French dictionary for the waiters, in whose interests I put the Question.

MR. MORTON: Will he at the same time have the menu printed in Gaelic?

[No Answer was returned.]

Clydebank Licensing Court.

MR. BARNES: I beg to ask the Secretary for Scotland whether he is aware that in the recent licensing court for the Clydebank division of Dumbartonshire one of the magistrates who assisted in granting six licences had signed a petition in favour of one of the applicants, and that this petition was actually presented in court whilst the magistrate occupied a seat on the bench; and whether he proposes to inquire into the validity of a licence granted under such circumstances.

THE SECRETARY FOR SCOTLAND (Mr. SINCLAIR, Forfarshire): The Secretary for Scotland has made inquiries on the point raised by the hon. Member and is informed that "No magistrate sitting in the Burgh Licensing Court signed any petition in favour of any of the six licenses granted in the court" to which the hon. Member refers.

Cahirciveen Pier.

MR. BOLAND (Kerry S.): I beg to ask he Chief Secretary to the Lord-Lieutenant of Ireland whether the Congested Districts Board have received a resolution, adopted by the Cahirciveen Ratepayers' Protective Association on the 3rd instant, urging that a grant should be given towards improving and enlarging the Cahirciveen Pier, seeing that Trinity College has been required by the Board of Trade to carry out some little improvements there in lieu of encroachments for building purposes made by that body; and whether effect will be given to this resolution by the Congested Districts Board.

THE CHIEF SECRETARY FOR IRELAND (Mr. BRYCE, Aberdeen S.): I am informed that the resolution in question has been received and will be considered by the Congested Districts Board at their next meeting on 11th January.

Dr. Bird's Kilcrohane Estate.

MR. GILHOOLY (Cork County, W.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland

whether the Congested Districts Board have discontinued improvement works on the estate of Dr. Bird, at Kilcrohane, county Cork; and, if so, whether, in view of the bad crop of potatoes in that district, he will suggest the works be recommenced to mitigate the sufferings of the small farmers.

MR. BRYCE: I am informed by the Congested Districts Board that their improvement works on the Bird estate generally are completed, but some further work has to be done in the townlands of Eskeragh and Ballyeiragh, and this will be put in hand as soon as possible after Christmas.

Labourers Allotments on the King-Harman Estate.

MR. JAMES O'KELLY (Roscommon, N.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether a number of representations have been made for sites and allotments for labourers on the King-Harman estate; whether an inquiry is now pending on the scheme; and, if so, whether care will be taken that the land is not otherwise disposed of till the result of the inquiry is made known.

MR. BRYCE: The Local Government Board are aware that a number of representations have been made for sites for labourers' cottages on the estate mentioned. The Board's Inquiry cannot, however, be held for some time to come, as additional representations may be lodged up to the 1st February. The Estates Commissioners have received communications from the rural district council in respect of sites for labourers' cottages on this estate, and will consider the council's views in the matter upon the allocation of any untenanted land still undisposed of.

Boyle Rate Collector.

MR. JAMES O'KELLY: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the case of Mr. M'Dermott, rate collector, Boyle, who has been forced to pay out of his own pocket the full amount of certain uncollectable rates in his district; and whether anything can be done to relieve him of the burden.

MR. BRYCE: I am informed that under the terms of the bond entered into by Mr. McDermott he is required to lodge to the credit of the county council within each half year the whole amount of the rates assessed in his district in respect of such half year. Having done so he can be refunded such portion of his lodgments as may be shown to the satisfaction of the county council and the Local Government Board to be irrecoverable. In addition to irrecoverable rates; there are some rates on buildings which though not legally irrecoverable are practically uncollectable, and in these cases the Local Government Board are prepared at the end of the financial year to consider recommendations by the county council for the refund of such rates to the collector, where it has been proved that he has used every effort to collect the rates, but has failed to do so.

Irish Evicted Tenants.

MR. JOHN REDMOND: I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether he is in a position to make any further statement as to the progress of the work of re-instatement of evicted tenants in Ireland.

MR. BRYCE: I am glad to be in a position to inform the hon. Gentleman that progress has been made in this matter since the discussion in this House on 23rd October. Since that date the Estates Commissioners have received reports from their inspectors in 683 additional cases, and in the same period 129 additional claims have been rejected by them as being untenable. Thirty-five additional evicted tenants have been re-instated, namely, twenty-two by landlords with the aid of grants made by the Commissioners, and thirteen by the Commissioners themselves. This brings the total number of evicted tenants re-instated, or provided with new holdings, up to 577. In addition, arrangements are in progress, and will, it is believed, soon be completed, for the restoration of a large number of evicted tenants upon the Massereene estate in counties Louth and Meath; and arrangements have also been made for the re-instatement of thirty evicted tenants on the Vandeleur estate, county Clare. Both of these were Plan-of-Campaign estates. In sixteen further cases in

which the owners have intimated their willingness to accept the price offered, the evicted tenants will, the Commissioners understand, be re-instated at an early date. The total number of evicted tenants re-instated, or about to be re-instated, is thus 623, exclusive of those on the Massereene estate. The landlords who were referred to on the former occasion as being unwilling to allow an inspection to be made of 444 evicted farms in their possession, are again being addressed by the Commissioners, and up to the present landlords have expressed their willingness to allow an inspection in the case of forty-six of these evicted farms. The Commissioners hope and believe that the majority of the landlords in the remaining cases will also consent to allow an inspection. If it should be thought that the results so far obtained, though substantial, are not as large as might have been desired, it must be remembered that until recently six inspectors only had been engaged upon the work of furthering the re-instatement of evicted tenants. Within the past week the twelve additional recently appointed inspectors have taken up duty in this matter, making eighteen in all now engaged. The Commissioners have reason to believe that with this additional staff the investigation of all outstanding applications of evicted tenants will be completed in six months.

Irish Primary Education Proposals.

MR. MURPHY (Kerry, E.): I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland if he intends to make any proposals in connection with primary education in Ireland in accordance with the unanimous demands made at several public meetings recently held; if so, can he indicate the nature of, and the probable date on which such proposals will be made; and will he say if there is at present sufficient funds to comply partly with such demand to the credit of Irish education in the Development Grant and otherwise; and whether he can give any guarantee that such money will not in future be used for any other purpose than education.

MR. BRYCE: The Commissioners of National Education have submitted proposals on the subject of primary education in connection with the forthcoming Estimates for the next financial year, and

these are now under consideration. I am not at present in a position to say when it will be possible to make a statement on the subject. The Ireland Development Grant has already borne certain charges in connection with education, and future Estimates will contain further provision for education. I am not in a position to give the assurance asked for in the concluding part of this Question, because, as the hon. Member must be aware, the funds available under the Ireland Development Grant have already been largely hypothecated by the Land Purchase Act of 1903 for non-educational purposes. It is impossible for me to say what action the House may take upon the Ireland Development Grant Estimates which will be submitted to it in the future.

Ballymacelligot Tenantry.

MR. MURPHY : I beg to ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to the number of future tenants in the parish of Ballymacelligot, county Kerry, and the request made at recent public meetings to afford them some relief from the payment of their present rents ; and whether he proposes to take steps, by legislation or otherwise, to deal with such cases.

MR. BRYCE : The Land Commission have no information as to the number of future tenants in Ballymacelligot or elsewhere. As regards possible legislation, I would refer to my Answer to the similar Question of the hon. Member for North Westmeath on 11th instant.†

Royal Hibernian Academy.

MR. BOLAND : I beg to ask the Secretary to the Treasury whether his attention has been called to the resolution adopted by the Royal Institute of the Architects of Ireland with reference to the majority Report of the Commission on the Royal Hibernian Academy ; and whether, in view of the expression of hope therein contained that the voice of the artists of Ireland may not be stifled by recommendations based solely on the evidence and suggestion of department officials, and that no action by the Government, conceived on the lines of the majority Report, may result

in what would undoubtedly be the extinction of the Academy, he will say whether it is proposed to take any, and, if so, what action in the matter.

MR. McKENNA : My attention has been called to the resolution in question. The majority and minority Reports are now under consideration, and I am not yet in a position to announce any decision. I should add, however, that my hon. friend appears to be mistaken in supposing that the recommendations in the majority Report were based solely on the evidence and suggestion of department officials.

The "Midland Tribune."

MR. HAVILAND BURKE (King's County, Tullamore) : I beg to ask the Postmaster - General whether he is aware that the Post Office Act, 1870, does not require that the English translation of the Gaelic title of a supplement shall appear at the top of every page ; and whether he will give directions that there shall be no interference with the circulation of the *Midland Tribune*, merely on the ground that there is no translation given of the title of its Irish supplement.

MR. SYDNEY BUXTON : I am advised that a publication bearing a title different from that of the paper of which it professes to be a supplement cannot, under the Act of 1870, pass as a "supplement." The object of the limitation is to protect the revenue and has nothing to do with the question of a Gaelic title. But in the particular case of the *Midland Tribune* a little alteration would regularise the title ; and I should be glad if the hon. Member will speak to me on the subject.

MESSAGE FROM THE LORDS.

Town Tenants (Ireland) Bill : That they have agreed to the Amendment made by this House to one of the Amendments made by the Lords to the Town Tenants (Ireland) Bill ; they do not insist on their Amendments to which the Commons have disagreed and have made an Amendment in lieu of one of the said Amendments to which they desire the concurrence of this House.

† See Col. 142.

EDUCATION (ENGLAND AND WALES) BILL.

Order for Consideration of Lords Reason read.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): I beg to move that this order be discharged. It is not very long since we had these Amendments among us before; and now they return to us again, after a somewhat difficult career in another place. We sent them up *en masse* to the other place, and there has been no small display of real or simulated indignation on that account in the other place. There has even been some talk of our action being unconstitutional. But, Sir, I hold that the course to be taken by the House of Commons in dealing with Amendments coming from another place is a question for the House of Commons, and for the House of Commons alone. This House may be guided by rule and precedent. If so, it will be its own rule and precedent; or, if circumstances require it, the House will exercise its own discretion in following a course of procedure, which may be novel, according to the dictates of its own common sense. I imagine that in saying this of the House of Commons I say no more than would be true of the House of Lords also. In fact, imagination need not be brought into play, because although we were so blamed for sending up the Amendments *en masse*, we find the compliment is paid us of our example being followed by the other place. They refused to go *seriatim* through the Amendments which were suggested on the part of the Government in another place, and they have sent these old Amendments back in the lump. Surely, it cannot be that that in the Lords is but a choleric word which in the Commons is flat blasphemy. We are accustomed to this mock heroic. But we are not alarmed by it, whether it comes from the House of Lords itself or from some one sitting on the Front Opposition Bench. I ask the House to recall the debate in which we dealt with these Amendments when they were before us. What was its chief characteristic and note? Surely it was the desire evinced in all parts of the House, among supporters of His Majesty's Government, among the leading members of the free Protestant Churches, among

the Leaders of the Irish Party—nay, even among some members of the regular Opposition—the desire for negotiation, conciliation, and peace. That desire was, as we all know, a faithful reflection of feeling in the country. Who can doubt that a sense of weariness, and nausea, and a dislike of clerical and sectarian squabbles have spread from one end of the country to the other? We were all for conciliation. There was at the close of the debate but one jarring note. One Member—whose absence from among us to-day we deplore, especially for the reason of it—and but one Member, unfortunately raised a jarring note, and his sentence, at least—as on a memorable occasion in poetry—was for open war. I do not know whether it was dictated by any part of the spirit that seems to have lost for him the paradise of the Treasury Bench; but I am sure of this, that it is not by the exhibition of that spirit that paradise will be regained. The Government in that debate, by mouth of more than one Member, declared its willingness to make material and generous concessions for the sake of peace. The only complaint made was that they were not sufficiently definite in describing them. Yes; but that complaint has at least been put an end to now, because Lord Crewe, whose praise is in everyone's mouth, placed on the Paper of the House of Lords the very words of the Amendments we were willing to accept. Be it remembered that these were not—as some not well acquainted with the facts of the case would have imagined—the first concessions. The Bill as it left this House—aye, the Bill as introduced to this House—was packed full of concessions, concessions that put a heavy strain on the conscientious convictions of many of our friends both in this House and in the country, and a strain which we should never have put upon them had we not thought it necessary. And why did we put that strain upon our friends? And why have we gone on accumulating the intensity of the strain upon our friends? Because of the deep realisation that we had of the urgent importance of securing such a settlement as would bring into play the national forces which are necessary to secure for the childhood and youth of our country that full and sound measure of education which ought to be their birthright. We made

many and great concessions. But let me say this. After all I do not think it too much to say that when a Government deliberately introduces a great measure, carefully designed and contrived to accomplish a certain purpose, especially when that purpose has quite recently received the approval of the electors of the country, some regard at least in the consideration of the measure, and in the attempts to amend it, should be paid to that purpose. If those who criticise a measure in either House do not approve of the purpose, let them vote against the Second Reading; but, if they do not vote against the Second Reading, let them at least make some decent show of homage to the main purpose of the measure. Now I ask the House to consider for a moment how the matter stands in the latest phase with which we have now to deal. There are two conspicuous clauses in this Bill, Clauses 3 and 4. I speak of them alone to save time in going over others. These clauses do not cohere very closely with some of the other parts of the Bill. No one can pretend that you can deal with an illogical and somewhat inconsistent system of education such as we have, except in a measure which is in itself on that account somewhat illogical and inconsistent; but those clauses were introduced to meet exceptional cases and demands, which we thought not unreasonable demands, with the view of obtaining a settlement. The Amendments which Lord Crewe described to the House of Lords and placed upon the Paper were designed and calculated to give reality and fulness to the concessions already made in those clauses. The details of what we were willing to do were placed on the Paper in defiance of tactics. It was bad tactics to put them on the Paper, but we thought it only right there should be this last chance, and that we at any rate should not stand in the way of its success. Why were the Amendments rejected? I wish to turn the attention of the House especially to that. They were rejected because of demands made which they would not fulfil. And what were these demands? The demand was solemnly avowed that in the hitherto denominational schools, the non-provided and the transferred schools, according to the nomenclature of this legislation, specific sectarian religious teaching should con-

tinue to be given by all the teachers, if willing, in every school, large or small, in town and country alike, irrespective of the assent of the local authority. That is a plain description of the demand. Now what is this but the perpetuation and extension and consolidation of the very system which our Bill was designed on the whole to put an end to? And these demands are not more persuasively commended to us by the fact that this new, aggravated, and consolidated denominationalism is to be accompanied by rent paid by the State for the use of the schools which it is obliged to support. The same teachers are to teach the same things to the same little children in the same schools, whether the local authority like it or not, and the public purse is to provide a rent for the schools which they now enjoy rent free. Sir, I say that is enough. For such a Bill—to use the everyday, but very good expression of my right hon. friend the President of the Board of Education—we have no use. Why have we no use for it? Because our aim is, on the other hand, to secure a national and not a denominational system, public and not sectarian, on the general basis of a common Christianity instead of a sectional Christianity, to make our educational system the handmaid of the community and not the handmaid of any church or sect, and to prevent the common schools of the country, which are maintained out of the public purse, from being provided and worked with two doors, as we heard in the last Parliament—and I hope we shall never forget it—one bringing in the poor little children from the streets, and the other ushering them into a particular church. Well, Sir, the contrast between these two ideals is enough to show the real inward character of the Amendments, and as they involve an absolute perversion of the whole purpose of the Bill, and as, in spite of attempts at conciliation and negotiation, they are persisted in, the discharge of the Bill from our Order-book becomes a mere necessary formality. It is a formality consequent on the action of the House of Lords, who destroyed the Bill, and of one in this House who incited them to do it. The Motion means no more than that the dead body of this measure which they have left at our door may be carried away out of the sight of men.

Mr. CLAUDE HAY : Hear, hear.

SIR H. CAMPBELL-BANNERMAN : I thank the hon. Member for his kindly cheer. Now the question we have to ask ourselves is—Is the general election and its result to go for nothing? I turn here from the educational to the general question. This education question has been before the country since 1902, and even earlier. It has been discussed and re-discussed. The Act of 1902 has been the cause of intense bitterness and dissatisfaction. The grievance created by it and the flaws in its administrative structure in many respects are such that there can be no peace, no settlement, no ordered progress in the work of education until the law is altered from its present condition. No one denies it. No one denies that that was the opinion which helped to return the great majority sent by the constituencies this time last year. No one denies the strength of the reflection of that opinion in this House. Who could deny it, when these very Amendments were returned to the House of Lords but a few days ago by a majority of 309? Well, Sir, at the bidding of a Party which was condemned at the general election, condemned as no Party was ever condemned before, the House of Lords has obliterated all this. I desire to speak with perfect moderation and calmness, but it is difficult to reconcile such action on the part of the other House with that calm and impartial revision of hasty legislation which is assumed to be the greatest merit of that Assembly. Perhaps it is even harder to see how that action justifies the claim that they are the true interpreters of the feeling and desires of the people of this country. But even if it were so, what is the good of maintaining a representative system? It is not as if this House of Commons were old, stale, and worn out; if that were so, there would be some reason we could understand in the argument; but there is no reason in the argument to-day. It is plainly intolerable, Sir, that a second Chamber should, while one Party in the State is in power, be its willing servant, and when that Party has received an unmistakable and emphatic condemnation by the country, the House of Lords should then be able to neutralise, thwart,

and distort the policy which the electors have approved. That is the state of things that for the moment—for the nonce—we must submit to. A settlement of this grave question of education has been prevented, and for that calamity we know, and the country knows, upon whom the responsibility lies. But, Sir, the resources of the British Constitution are not wholly exhausted, the resources of the House of Commons are not exhausted, and I say with conviction that a way must be found, a way will be found, by which the will of the people expressed through their elected representatives in this House will be made to prevail.

Motion made and question proposed,
"That the order be discharged."

MR. WALTER LONG (Dublin, S.) said that with the opening remarks of the Prime Minister all would agree, and no one more heartily than himself, in which reference was made to the absence of his right hon. friend the Leader of the Opposition. He was quite sure the right hon. Gentleman was sincere in his expression of regret for that absence and the cause. Following that, it was to be regretted that the Prime Minister had found it necessary to attack his right hon. friend, to refer to his speech upon the last debate on this subject as the only jarring note, and to say that his right hon. friend alone had declared for war. He reminded the House that what his right hon. friend said on that occasion was what had been said by more than one speaker on that side of the House—namely that anxious as he was that there should be peace, he would rather have war than peace in the shape of the Bill as it was sent to the other House. The charge made against his right hon. friend, without qualification, was that he preferred war. The Prime Minister had now told the House that the one object they ought to have worked for was to secure peace, and that the Government were anxious to make very large concessions to arrive at peace; but what guarantee was there from evidence at their command that if the concessions had found their way into the Bill there would have been peace after the passing of the Bill? The history of the Bill had been remarkable. It had gone through many

difficulties, and there had been many explanations of its intention; but in the speech of the Prime Minister they now heard the object of the Bill frankly declared. He had frankly, plainly stated, without leaving room for doubt, that the object of the Bill was anti-denominational. He (Mr. Long) asked the House to think of the debates they had listened to, of the assurances given on behalf of denominational teaching, of the assurances given from time to time that Clauses 3 and 4 would be made really effective and would, as it was said, leave denominational teaching in a better condition than it had been, and what became of those assurances in the light of the latest declaration that the real object of the Bill was anti-denominational? The right hon. Gentleman said that the Bill in its general provisions had been approved by the country. But what Bill? What was the Bill upon which the country had been consulted and of which the country had approved? Was it the Bill as originally brought in? Was it a Bill upon which the President of the Board of Education made his opening statement which was not borne out? Was it the Bill as it left the House? Was it the Bill as it would have appeared after the Amendments had been introduced to which the right hon. Gentleman had referred? They had been told that there would have been peace with the passing of the Bill, but he did not believe that in his funeral oration the Prime Minister had one sincere mourner behind him. The concessions referred to by the Prime Minister were not real concessions, and they were worse: they seemed to offer concessions to one or two great denominations but to the exclusion and injury of another. What was the reception given to those concessions; were they welcomed by hon. Members behind the Government? By those entitled to speak for the feeling in the country they were stated to have strained the allegiance of the followers of the Government. It was said the Bill would not be worth having. He was entitled to assume that the Prime Minister in his remarks was referring to the Bill as it would have been with the Amendments affirmed by the Government imported into it. That was a

Bill which had no genuine support, and they were asked to believe that it would have produced peace and have established national education on a satisfactory footing. He did not believe that the hon. Member for North Camberwell, who knew as much about the education question as anybody in the House, would be prepared to say that the Bill in its amended form would have settled controversy and maintained peace in the future. It was idle to charge the Opposition with having failed to secure peace. There must first be held out reasonable indication that peace would have been secured before the Opposition were blamed for not sharing the Government view and for preferring the view expressed by the Amendments made in another place. The Prime Minister said that Clause 3 was a real concession with which the Opposition ought to have been satisfied. Throughout the whole of the debates in the House there was no subject upon which there was more general agreement, no subject that had a larger body of opinion in its support, and which found expression in an Amendment introduced in another place, than that Clause 3 should be made a reality and effective for the purpose for which it was intended. But the Government insisted upon provisions in connection with the teachers which took away the only means by which the clause could be made effective. The right hon. Gentleman had talked of the peace the Bill would have produced, but it would have added to the controversies. Under Clause 3 the only means of making teaching effective was by the employment of teachers able and willing to give that teaching; but the Government proposed to leave this to the local authority, and all the horrors of controversy would have been aroused by a clause which was intended to allay them. With Clause 4 there would have been a similar result. This clause, which the Prime Minister had said was to meet the case for denominational teaching, had been referred to by speakers from the other side of the House not so much as an exception to a general principle as an excrescence upon the Bill; it was received in sullen silence or with manifest hostility, and round it had raged the bitterest, angriest part of the controversies upon the measure. What right had

they to assume that at the local elections and in the council chambers a different spirit would prevail from that which had prevailed in the debates in this House? During the passage of the Bill the Government had made alterations in Clause 4. They had the alternative of a *mandamus* and the alternative of an appeal to the central authority. He ventured to say that an appeal to a central authority was likely to add to the bitterness of the controversy at local elections. It had been the invariable experience that where a central department had forced the local authority to perform some duty they did not want to perform, that question was made a paramount one at the next election, and it was made the one question upon which those who sought election asked for the confidence of the electors. This was the power which, according to the Government, would have brought peace and put an end to the controversy. Whether the Lords were right or wrong in the Amendments which they introduced into the Bill, it was idle to pretend that peace was the real point at stake. The fortunes of the Bill might have been at stake. The Government contended that the Lords' Amendments interfered with the real principle of the Bill. He confessed he found it difficult to understand why there was such strong opposition to the alterations that had been made. Clauses 3 and 4 had been made as right hon. and hon. Gentlemen opposite had always said they meant them to be—effective, practical, and real. The Prime Minister has said it was an interference by the other House with the rights and privileges of the elected Chamber, and in a memorable passage he had indicated what were the views of the Government in regard to this branch of the question. If the object of the Government was to pick a quarrel with the other House, and to found a charge against them in order to deal with the difficulty which had arisen out of their action, he would only remind them of the brilliant speech delivered by the hon. member for North Louth the other day, in which he warned the Government that, if that was their object, they were not going the right way to secure their end. If that was to be the object, let them fight, not upon the Education Bill,

Mr. Walter Long.

but upon the right of the other House to interfere with the legislation of the House of Commons. It had frequently been made a charge against the other House that their interference was actuated by a desire to defend the rights of property and the privileges of a class. He did not think the wildest opponent of the Upper House could charge them on this occasion with having been animated by feeling of that kind. It could not be doubted that the object they had in view was to maintain an educational system in this country in conformity with the wishes of the parents, a system of education which would make the children of the country good citizens, and give to all denominations equally the same opportunities and the same privileges. He admitted there was one Amendment made at the last moment dealing with the parents' consultative committee which was certainly remarkable. They understood that under no circumstances would the Government allow an Amendment to stand which would give a veto to the parents' committee, but they found in the Government's proposed Amendment to Clause 8 these words—

“The local education authority shall appoint persons acceptable to the parents' committee to be teachers in the school.”

If that was compared with the original Amendment introduced in another place it would be found that there was very little difference, if any, between the phraseology or the effect of the two Amendments, and if that did not in practice give the parents a veto he did not know the meaning of it.

THE PRESIDENT OF THE BOARD OF EDUCATION (Mr. BIRRELL, Bristol, N.): Do you object to it?

MR. WALTER LONG said he did not object to it at all. It was understood in the course of their debates that that Amendment would be particularly acceptable to the great body of Roman Catholics in this country. It never was suggested that it would meet the difficulty in connection with Church schools. The Prime Minister had moved that this order be discharged. The right hon. Gentleman had no more hearty supporter of his Motion than himself. He did not like the Bill when it

was first brought in and he did not like it in its amended form. He did not believe that the passing of the Bill, in any way they could amend it, could have produced peace throughout the country. It would not have satisfied any one who was really dissatisfied with the present system. It might have lessened for a time the bitterness of the controversy, but it would not have produced peace, and it would have produced fresh controversies and difficulties in connection with our system of local government which would have caused enormous confusion and a vast amount of bitterness. Therefore he rejoiced that the Prime Minister had moved this Motion. The right hon. Gentleman claimed that the responsibility for the loss of the Bill must rest with those in another place, and he said that was known by the country. With regard to the feeling in the country, every man was entitled to his own opinion. The country would have an opportunity later on of expressing its opinion, and they might very well wait until that time came. It was a little dangerous to make forecasts, and the Prime Minister might find that he had not been so accurately informed as he believed himself to be. It was impossible for him to vote against this Motion, because it had his entire sympathy. In his opinion the responsibility for the fate of the Bill rested with those who were responsible for its production and its passage through this House, who must have known what were the difficulties they would have to contend with. They produced a measure which would not have got rid of those difficulties and would not have produced an improved condition of things. They had the power and the knowledge, and if they had dealt wisely with this question they might have produced a settlement which would have put an end to the controversy. They had chosen to deal with it in a very different fashion; and if to-day they had to commit their own infant to the grave with their own hands, they would find they would have to bear the responsibility for a Bill which had led to that result.

MR. JOHN REDMOND (Waterford) said he had to express on his own part and on the part of his colleagues their deep disappointment at the breakdown of the compromise and the loss of the Bill.

They had at any rate the satisfaction of knowing that the Nationalist Party had done its best to bring about a compromise, and no share of the responsibility for the breakdown rested upon them. In a difficult, critical, and delicate position they had endeavoured to adopt a kindly and reasonable attitude. They were bound to stand forth in defence of the Catholic schools of this country. They had never pretended to speak in the name of the Catholics of England, but they did claim to speak in the name of the Irish Catholics in England, who were probably 90 per cent. of the whole Catholic body, and the poorest of the poor among the population. They were themselves or they were the sons of people who had been driven out of Ireland by that system of law and of government which, so far as the great majority was concerned, this House abhorred and was resolved to put an end to. These men had been driven out of Ireland and into all the great centres of industry, all the great factories and workshops of this country. They had lived their lives of hardship and privation; they had lived under conditions which might easily have driven from them every sense of religious obligation. But these men kept their faith, and so deeply imbued were they with devotion to their faith that out of their poverty they had spent millions of money in the erection of their schools, and to-day it was a true saying with them that they regarded the faith of their children as their dearest possession—a possession for which they would, as their fathers did in the past, make any sacrifice; for which they would fight; and for which, he believed, if need be, they would die. Under those circumstances he and his friends who represented the Irish race in this House were bound to stand forth in defence of these schools. But they shrank with horror from the idea of the Catholic claim that they represented being obtruded as an obstacle in the path of the educational reforms demanded by the democracy of England. They shrank with horror from the idea that the Catholic claim should be dragged into the midst of the great religious controversy between two sections or more of the Protestant people of this country. They desired that their claim should be associated in no degree

whatever with the grievance of any section of Protestants, and he would say especially of Nonconformist Protestants. He said "especially" because there was enough common to the history of Nonconformity and their history in the shape of persecution for faith's sake to make them shrink from the possibility, if they could avoid it, of having their claim mixed up with the maintenance of any grievance of Nonconformists. Above all, they shrank from having their case mixed up with the question of the House of Lords, and therefore it was that while they put forth their Catholic claim strongly, he hoped—sincerely, he knew—at the same time they endeavoured to put it forth with moderation and with reason. He admitted that the attitude they had taken up had been reciprocated by the House generally. The Bill as it was introduced must undoubtedly have meant the death of the overwhelming majority of the Catholic schools of the country, because they could not, owing to conscientious beliefs, take advantage of Clause 3 and send their children in for Cowper-Temple teaching. Therefore the Bill as it was originally introduced would undoubtedly have meant the death of the majority of the Catholic schools of the country. He and his friends therefore proposed at the commencement of the discussion a series of Amendments which would in their judgment have made the Bill at least tolerable to the Catholics of the country. He did not say that those Amendments would have made the Bill completely satisfactory to them. There had been no education Bill which had been completely satisfactory to Catholics. He believed that from the very nature of things it was impossible that a great Protestant nation creating an educational system for itself could at the same time make a completely satisfactory system for Catholics. The Bill of 1902 for which they voted was certainly not entirely satisfactory. He did not claim, therefore, that if the Amendments had been carried the Bill would have been completely satisfactory in the sense in which a Bill would be which they themselves drafted. But those Amendments would have made the Bill tolerable, and would have enabled Catholic schools to continue in existence. The position in which he

found himself was this, that those Amendments had been in substance conceded by the Government. The concessions that had been made completely fulfilled the promises that were made by the President of the Board of Education in his famous speech to the Jews. As he had mentioned the President of the Board of Education, he would like to say that whoever might consider that what had happened was a defeat, the right hon. Gentleman ought not. The President of the Board of Education had created for himself a position in this House occupied by few statesmen in the past. For himself, he would say that as he listened to the right hon. Gentleman's conduct of the Bill, to his good humour and wit and patience, to his kindness, and conciliatory tone towards opponents, his admiration for him grew night by night. And he could, speaking for himself and all his colleagues, say that they thanked the right hon. Gentleman sincerely for the conciliatory way in which he had dealt with their claims, and for the fact that he had by his recent Amendments completely fulfilled the promises he had made. He alluded specially to the Amendment dealing with the question of teachers in Clause 4 schools, and he thanked the right hon. Gentleman and the Government for their Amendment. From their point of view it was a far better Amendment than that of Lord St. Aldwyn, and therefore he for his part, speaking on behalf of large Catholic interests in this country, welcomed the fact that Lord St. Aldwyn's Amendment had been rejected and that the Amendment proposed by the Government which they had a chance of getting in this compromise was a far better one. Under that Amendment the great bulk of the Catholic schools of this country would have remained Catholic schools with a Catholic atmosphere and Catholic teachers. He had read an interesting interview published in one of the evening papers to-day from a distinguished dignitary of the Catholic Church, the right Rev. Monsignor Brown, Vicar-General of the diocese of Southwark, in which, speaking of the amended Bill, he said—

"As amended by the Government the Education Bill would have been a working

Mr. John Redmond.

measure. Of course it would have carried with it certain risks, but unless administered in a hostile spirit by the local authorities the Catholic schools would have remained Catholic in every sense of the word."

Under these circumstances his colleagues and he who had opposed the Second Reading and the Third Reading of the Bill had to consider this very grave question—whether on the production of these Amendments, which substantially gave them what they had been asking for, they should facilitate the compromise and the passage of the Bill, or whether they should join with the Leader of the Opposition and with the House of Lords in wrecking the measure and facing all the perils and uncertainties of the future with a light heart. It was not without the very gravest deliberation and consideration, and it was not without consultation with those who were best entitled to speak on behalf of the Catholic body in this country, that they had come to the conclusion that in the interest of these Catholic schools it would be unwise for the Catholic representatives in this House to make themselves in any degree responsible for the wrecking of this measure. The Government had gone a long way to meet them. At the lowest they had made the Bill tolerable for the Catholic body. The great bulk of the Catholic schools would have been saved; and, on the other hand, the future of the Catholic schools, which were the schools of a small minority in this land, was full of uncertainty and doubt, and no man could foretell what those schools might not have to suffer in future if they now rendered this settlement impossible by insisting, or trying to insist—because they could not successfully insist—on what they regarded as the full measure of their rights, and by joining themselves with the House of Lords at what, in all human probability, was the commencement of a great constitutional struggle between the enfranchised democracy on one side and a hereditary and irresponsible Chamber on the other. Under all these circumstances they had decided that they would do what they could to promote this compromise and to pass the Bill into law. He repeated what he had said at the commencement of his remarks, that they could say with perfect truth that no particle of responsi-

bility for the wrecking of this Bill rested upon them. He was glad to be able to state that in taking this course they were acting not only in consultation with, but with the concurrence of, the responsible heads of the Catholic Church in England. He would say this one word in conclusion: Was it too much for them to hope that, in the future developments of this struggle both in the administration of the Act of 1902, rendered infinitely more difficult and embittered as it must be by what had happened, and also in any further legislative proposals that might be put forward for a settlement of the education question, their attitude in reference to this Bill might be remembered, and that the Protestants of this country who were in an overwhelming majority, and of course could do what they liked in spite of their protests, would act in the future with not only toleration but with perfect fairness and even generosity towards this small minority in their midst made up of poor, hard-working, and self-sacrificing men?

MR. KEIR HARDIE (Merthyr Tydvil) said that he and those with whom he was associated regretted that such a futile termination should be the result of the long and weary labours in which the House had been engaged. Apart from the sectarian clauses of the Bill upon which there was so much difference of opinion, and which were responsible for the final wrecking of the measure, the Bill was one upon which there was a general consensus of agreement. Many of them foresaw that, even if the Bill were passed, it would still leave what was known as the religious difficulty unsettled. In that belief the Labour Party had asked the House to accept what they more than ever believed to be the only possible settlement of this question, the elimination of religious instruction from the public schools of the country. But, having failed to obtain the assent of the House to that proposition, they had loyally and cordially co-operated with the Government in endeavouring to get the measure through, because of the good it contained. They were prepared to support the Government in any compromise that might be come to between the two

opposing sections. Now he would suggest that what, without meaning offence, he would call the humanitarian clauses of the Bill should be resuscitated at the earliest possible moment. He was aware that it could not be done this session; but surely such matters as the provisions for the blind and deaf, for vacation schools and recreation, for medical examination and inspection, and for enabling intelligent children to have an opportunity of passing into higher grade schools, might at an early date form the subject of another Bill which could be passed with the unanimous consent of the House. If they could not agree how to treat the souls of the children, let them try at least agree in the treatment of their bodies. The right hon. Gentleman the Member for South Dublin had asked what Bill it was that the country approved of at the general election. His experience of the general election was that the Bill demanded by the electorate was one which would give the public free and unfettered control over all schools paid for out of public monies. This Bill set out with that intention, and everything else in it was an excrescence. The Government's attempts to conciliate conflicting opinions had led to the Bill's being abandoned. The hon. and learned Member for Waterford had paid a well-deserved compliment to the Minister for Education. No man in the House had ever shown more sweet reasonableness and more genuine human feeling in his desire to conciliate opponents than the right hon. Gentleman. Therein lay the weakness of the case. Had the Minister for Education put more steel into his composition, and had he refused concessions, the Church Party would have understood that unless they accepted a reasonable compromise worse things were in store for them, and they would not have pressed their demands so strongly in another place. Surely the logical deduction from the failure of the attempt at compromise was that no settlement of this religious difficulty was possible. There were other questions involved. If the Education Bill was dead the institutions responsible for its death might find that they had wounded themselves in a vital place. The question would be asked—By what right or authority did an irresponsible and an unrepresenta-

tive assembly interfere with the expressed will and opinion of the people of the nation? He was loth to see a great constitutional conflict entered into with another House, but if this method of treating Bills which passed this House continued—and they had had two examples this session—the country would be left no option but to take up the challenge thrown down by the Lords. He was aware that Labour Members had small reason to complain of the action of the Lords in connection with Labour measures. He had seen it stated that this tender handling was due to a desire to conciliate the working classes and keep them from joining in a crusade against the Upper House. It was not for him to interpret the motives of the other House, but if that was their intention, to bribe the masses of the country into tolerating a system of government which was an insult to their intelligence by assuming that some power outside the people was necessary to hold the people in check, the attempt would miserably fail. The Bill was dead from an overdose of sectarianism, and the moral was that there was no halting place between secular education pure and simple and meeting the claims and demands of every section of the Christian Church, and he hoped that lesson would be borne in mind. Millions of children required to be educated and looked after, and yet there was all this squabbling as to the words to be used in imparting religious instruction. Surely if religion underlay the opposition to this Bill it would find its highest expression in sinking creeds and caring for the bodies and the minds of the children and making them fit dwelling places for the image of the Creator. The Labour Party had no responsibility for the wrecking of this measure. If the heads of the Established Church joined their fortunes with another place so much the worse for the Church. If his own voice or opinion had any weight with those responsible for the wrecking of this measure his advice was to make peace quickly with the enemy while yet he was in the way.

DR. MACNAMARA (Camberwell, N.) said that, speaking from a strictly educational point of view, he was filled with the bitterest disappointment. He

thought the path was full of the promise of peace, though not of a settlement at once. He had expected that something could be done which would lead to a settlement, but instead of that the path was strewn with the greatest difficulty, perplexity, and anxiety. He would state in two or three sentences exactly what they had been prevented from doing. They desired to set up full and complete public control over every public elementary school. That was an enormous reform which would have touched three out of every five elementary schools. They desired that all the school managers should be the nominees of the public, that all public elementary school teachers should be municipal servants, and they desired especially to free the villages of the country from ecclesiastical control, and to substitute municipal and communal concern. That was exactly where they had failed. The entrenched forces—the territorial and the ecclesiastical forces—had been too much for them. They had prevented them for freeing the villages for the moment, but it would be the worse for them in the end. They insisted on having as teachers the denominational volunteer “under compulsion.” Again, the Bill provided for the first time in English educational history that any teacher in any school teaching any form of religion should be relieved, without prejudice to his office as teacher, from the task of giving religious teaching, if he had conscientious grounds. He would have thought that such a proposal, which would have clarified and perfected religious teaching, would have commended itself to the friends of religious teaching on the other side of the House. The Bill also said that no payments should come out of public funds for denominational teaching. That was accepted without comment by both Houses, and yet the contrary remained the law of the land. It would be the duty of the Government to set that right as soon as possible. They desired to set up a great scheme of medical inspection and treatment for the unhappy suffering little scraps of humanity in the slums of our cities, one of the greatest evils ever brought before the House for reform. Even that was sympathetically supported by the Leader of the Opposition, whose absence they all deplored, not only for its

cause, but because they would have liked to tell him that they thought of him. They proposed to set up a scheme of compensation for the denominational teacher who would have been displaced by the operation of the Bill if it had become law. In 1902 the Tory Party—the friends of the denominational teacher—would not look at that proposal, and not a single bishop could then be found to provide a single farthing of solatium for the men and women who were declared to be devoted servants of the Church. He trusted that the teachers who had written him offensive letters—well, he would not use the word offensive, but strongly worded letters—against some of the views to which he had given expression would bear that in mind, that the present Radical Government had gone out of their way to find compensation for them. To secure the reforms which he had enumerated the Government had offered very large, generous, and far-reaching concessions. Lord Stanley of Alderley had said that the concessions went too far and would strain to the utmost the loyalty of the rank and file of the Liberal Party. He himself thought they had gone far enough, but he was one of those who would pay a long price for peace. But stiff as was the price offered by the Government it was not stiff enough for the Leader of the Opposition, and nothing would have been stiff enough for him. The right hon. Gentleman did not want the Bill to pass under any circumstances. He wanted to wreck the Bill. He thought the right hon. Gentleman had been extremely short-sighted in the advice he had given, and never had the friends of denominational teaching been more grievously misled. The Bill offered large concessions to denominationalists which they would never get again, and the responsibility rested with those who for petty Party machinations had wrecked the measure. In conclusion, he wished to add a word of admiration for the President of the Board of Education, who had conducted the Bill with grim purpose, unflinching courage, unquenchable faith, and sterling honesty, qualities which they admired in all parts of the House, and all of which had been lit up by the rarest flashes of wit and good humour. He knew that the right hon. Gentleman felt the failure of these long weary months of work. They could not give him his Bill, but they

could tender him their respectful thanks and sympathy. He had lost the Bill, but he had gained their esteem and affection for his probity and devotion. He himself would rather have scored this failure than he would have won the success, the contemptible success, won by the Leader of the Opposition.

SIR ALFRED THOMAS (Glamorgan-shire, E.) said he wished on behalf of the Welsh Members to say that they felt the fate of the Bill very keenly. If the Bill had been carried in the House of Lords as it left the House of Commons Wales would have been very much the gainer. There should have been set up in Wales a Council of Education. He and his hon. friends regretted that the proposal would not be carried out. The Welsh people felt that the Government had gone far beyond what they would have expected, and what they had a right to expect when the Bill was introduced in the House of Commons. He had no hesitation in saying that it was the personal esteem which was felt for the Prime Minister and his right hon. friend which led the Welsh Members to give way to the concessions without further protest. Now that the Bill had fallen through, he could not disguise the fact that he viewed the situation in Wales with some apprehension. But whatever happened, he believed that the Welsh would not fail to uphold the character of Welshmen as a law-abiding people, and he hoped that his right hon. friend would not strain the law in favour of sectarian as against council schools, and that he would allow to the councils that minimum of control which was left to them by the Bill of 1902. He understood that the Minister of Education was about to reorganise the office and to set up a Welsh department in the Board of Education. Of course he and his friends would very much have preferred to have a Council chosen by the Welsh people, but they recognised that what was now proposed was a great advance towards securing autonomy in educational matters in Wales. He begged to thank the right hon. Gentleman for the proposal.

Dr. Macnamara.

THE PRESIDENT OF THE BOARD OF EDUCATION (MR. BIRRELL, Bristol, N.): I think it is generally understood by everybody in the House that the time for speech has for the moment disappeared. Silence best befits the death chamber. Our Education Bill, upon which there has been expended ability, time, labour, thought, and pains has been killed in another place, though not, as we think, at the particular instigation of any member of that Assembly, but by the will and decree of the right hon. Gentleman the Leader of the Opposition, whose absence from his place we deplore, both for its reason and for the injury it does to ourselves. I do not affect to deny—it would be foolish were I to do so—that I am much moved and disappointed by the defeat of all our hopes. In saying that I am not thinking so much of myself—for through the whole of the struggle I have done my best, at all events, to obliterate myself as much as possible—but I am thinking of the time and labour and trouble that have been bestowed upon the Bill by hon. Members on both sides of the House, who have given hours of time and much consultation with their friends in all parts of the country. I refer especially to the devolution clause, which, if an agreement had been arrived at, would have been of enormous benefit to the cause of education, which would have secured to a large extent local zeal and interest, and it would I believe have revived what I am afraid in many cases is a dying cause. Reference has also been made to the medical inspection clause, which passed with general consent in this House, and gave great hopes, not only to those who are scientifically interested in the subject, but to all who believe in the manhood of our race as being the one thing to preserve and the only real hope for the future. I also derived great pleasure from the thought that this Bill would have done something to organise the playgrounds of our children, to give to the children of the poor what perhaps is almost the best education they anywhere can get, that of acting in manly and friendly co-operation one with another. Well, all these hopes are for the moment vanished, and we have lost our labour, and have, so far as the Statute-book is

concerned, nothing to show for thirty long and weary days spent upon the Bill in its various stages. All that is gone, recklessly gone, unnecessarily gone, and I still think at the bidding of the right hon. Gentleman the Leader of the Opposition. I do not want in his absence to say much about him. Of course we all recognise that he is somewhat of an amphibian and breathes equally on land and in water. If he is persecuted in one House he flees into another. Applying the words of George Canning, he calls the House of Lords into existence to redress his balance in the House of Commons. Here his balance has long been overdrawn. Any cheques he drew in this House must have been dishonoured, and probably they will return to him with the words written across them, "Account charged; apply to the House of Lords." Well, it is irritating—who can deny it? It is more than irritating, it is mortifying, that the first fruits of the general election should have been destroyed by action of this kind. The right hon. Gentleman the Member for South Dublin asked me fairly enough what was the sort of Bill that the country authorised and supported by the votes cast at the last election. I can tell him. The kind of Bill the country had in view was a Bill without Clause 4 and with very little of Clause 3 in it. And it is simply because the Government, animated by a desire which I and all my colleagues have felt, that no portion of the children of the country should, if we could possibly help it, stand outside the national system—it was for that reason, incurring for ourselves great unpopularity, running no small risks and dangers, that we nevertheless put those clauses into our Bill and stuck to them to the end, although the very persons who might have been expected to support them were the first to jeer and laugh at us for doing so, asking us how we could reconcile such clauses with the pledges we were supposed to have given. That is no encouragement for any politician in the future, although I trust such will still be found, to be animated by a passionate desire that no portion of the children of this country should be excluded from the benefits of the national system. Well, the future will be what it will be. It is not for me to say what it

holds within its grasp. That will be revealed as time goes on. But one thing I can say, as far as I am concerned or any future colleague of mine who finds himself at the Board of Education, that he will administer the law fearlessly without predilection, and with a perfect bloodless indifference, to see that the due course of law is observed, and that the cause of education is maintained at its proper level. We shall all of us have difficulties to face. The Church will have difficulties to face. Nonconformity will have difficulties to face. A condition of things which is perhaps almost impossible has been perpetuated by gentlemen opposite and by their political allies and friends in another place. They have admitted all the Nonconformist grievance, and they recognised our right to cure it. They have taken care that we should not cure it, but that it should remain a sore in our social life. I therefore can only say for myself that I look forward with much apprehension and a deep sense of personal responsibility to what lies before us. I profoundly regret, both for the cause of education and still more for the cause of religion, that this Bill, which did more than any future Bill by any possibility can do to preserve under certain conditions the rights of denominational schools and the right of parents who demand religious education for their children, to maintain them as a walled city in the midst of an undenominational system—that all those things you have rejected. You have wilfully thrown them on one side. And what do you look forward to in the future? The swing of the pendulum is the fetish you worship. Possibly it may swing some day in your favour; but do you think it will ever swing far enough to enable you to disregard the Liberal, the Radical, and the Labour Party and those who favour the secular solution? Do you imagine you will ever be strong enough by the votes of your own Party to force upon this country a denominational system which it has so pronouncedly rejected? You must fail; and I believe that when that day comes you will deeply regret, every one of you, from the bottom of your hearts, that you rejected a measure which I still maintain was honest, which I am certain was courageous, and which

could only have been secured with the utmost difficulty and the loss of great popularity. You have cast your hopes upon a dim and distant future. All I can say is that when that dim and distant future comes we and those who represent the principles you oppose will be there too. I say for the last time that, having rejected this Bill, I believe you will live to regret it still more.

MR. WYNDHAM (Dover): The unexpected speech of the right hon. Gentleman calls for a very brief reply. I associate myself in the fullest measure with all that has been said by the Members for Waterford and Camberwell as to the manner in which the Minister for Education has conducted this Bill. I can assure him on behalf of myself and my colleagues on this side of the House that our compliments in that regard are sincere. There is, however, one statement which we cannot allow to pass—namely, that the Leader of the Opposition has, of his own mere will and motion, acting independently on grounds which have been described as petty, killed the Bill which otherwise promised a settlement of the religious education question. Sir, we associate ourselves with the action of our Leader, and I will point out that the Minister for Education has altogether ignored the action of the Government in this matter. He speaks as if our Leader had induced the majority in another Chamber to carry out his wishes. On that I have a question to ask. When the Minister in charge of the Bill in another place asked that his Amendments should be accepted in order that the Bill might be an agreed Bill, was he speaking only to noble Lords there, or was he speaking to the party as an official organisation? We were invited to accept the last proposals of the Government as a party, and by accepting them to say that this was a settlement of the religious difficulty. As honest men we could not do it, because we did not believe it. The Bill in the shape in which it came down to this House from the House of Lords was not a Bill which we could call an agreed Bill. It was a Bill against which we should have protested in the country on the ground that it did not carry out the verdict of the country. We do not believe that the

electorate at the last general electionⁿ voted for completely recasting the whole educational system of the country. We do not believe that they voted to this effect, that those who prefer denominational education are to pay for it, and those who prefer undenominational are to have it paid for for them. But we were prepared to accept those two large changes, inimical only to those with whom we agree, to make a settlement. But when we were asked to go further and to accept this one-sided system and at the same time to admit other exceptions, we were unable to accept such a compromise as an agreed Bill. When the Minister in charge of the Bill himself provided a loop-hole for authorities who did not carry out his own wishes—a loop-hole in the shape of State-aided schools—we would not be any party to such a reactionary step, bringing in all the educational evils which by general consent were remedied by the much attacked Act of 1902. If the Government required an alternative method to meet cases in which the local bodies did not carry out their ideas of fair play why did they adopt this method instead of proposing some way of dealing impartially both with those who liked denominational education for their children and those who liked undenominational teaching? Had the Government adopted the principle of impartiality on the part of the State, however qualified or voluntary the form, I believe the position would not have been hopeless as it now is. If I am asked, Are we on this side of the House relying on the swing of the pendulum, and whether we think that the Conservative and Unionist Party will ever be powerful enough to force denominationalism on the country, I reply, No, we do not wish to do that. It is because we wish that those who in their hearts and consciences desire denominational education should as parents and citizens have it, and receive just so much and no more countenance from the State as those who wish their children to have undenominational education that we press this matter. In our desire to effect this, we do not trust to the swing of the pendulum; we trust to the love of justice in this country.

MR. GEORGE WHITE (Norfolk, N.W.) said he would not have addressed the House except for the fact that a number of gentlemen whom he represented had endeavoured from the introduction of the Bill to treat it in a favourable and conciliatory manner. He thought it had not been realised that looking upon the Bill as they did as a great advance upon anything contained in the previous Education Bill, they were bound to try to understand what the difficulties of the Government were in dealing with a measure which they desired should establish a really national system of education. Some of his friends were hostile to the Bill from the very outset, but he confessed that many others saw in it provisions which would provide a real escape from the position in which they had been so long placed, of being dominated by one Church and being subject to the teachers' test—two of the great questions before the country at the last general election. In many other ways, upon which he did not intend to enlarge, the measure would have been a great advance upon the present system of national education. Therefore they came to the conclusion that it was worthy of their support. Of course they regarded the Bill from a Free Church standpoint, and there were many things in it of which they did not approve, but it was marvellous to him to hear the right hon. gentleman the Member for South Dublin endeavouring to make capital out of the fact that hon. Members on that side of the House were not very warm supporters of the Bill. They felt that the Government had made an honest and manly attempt to meet and deal with the difficulties before them. The facilities in Clauses 3 and 4 were not, as the President of the Board of Education had said, the principles upon which the Government were returned to deal with education, but he was convinced that there would have been no real difficulty in commending the Bill to the country if it had passed in the condition in which the Government left it and if it were understood by the country at large. The wisdom of the course which they had pursued, in attempting to assist rather than to hamper the Government had, he thought, been justified by the result. It had now been plainly seen, however moderate the Bill was, however much they endeavoured

to meet the objection of a certain denomination in the land, no concessions sufficient to ensure the support of the House of Lords, and especially of the right rev. Prelates in that assembly, could be made, and when they realised the intense opposition with which the proposals of the Bill had been met at the hands of those Prelates, they might justly assume that the Government had brought in a Bill which contained many elements likely to produce a good system of education. The Amendments sent down to them by the Lords were absolutely subversive of all the main principles of the Bill, and they could not have been recommended to the country by any Government professing to deal justly and to carry out the principles of religious freedom. But some considerable concessions were made in the Bill as it left this House in order if possible to get it through. He confessed that he regarded the loss of the Bill as a great misfortune, but if all the concessions which were offered in the other Chamber had been accepted and the Bill had been passed with them embodied, there would have been a considerable amount of dissatisfaction in the country among the supporters of His Majesty's Government. He was quite sure, however, that there was on the basis of these principles a settlement which would have been much better for religious education, the best interests of religion, and the welfare of the country than would result from the whole Bill being withdrawn. He had, with many others, to thank the Government for the many efforts which they had made to bring the Bill to a proper and just conclusion, and he thanked them for having in the last resort resisted the temptation to make further concessions. He would especially in this regard refer to the Minister for Education. Although the concessions given were not altogether approved by hon. Members on that side of House, it would stand to the credit of the Government in their record that they had done their best in the interests of education and had most honourably failed. The situation to his mind was a most serious one. He would not offer any observations upon the constitutional question. They should be the first to admit the demands of

denominationalists, but he was a passive resister under the Act of 1902, he was still in that position, and must remain so. He thought the number of passive resisters would be enlarged by the action of the House of Lords. They were willing to give the country and the Government an opportunity of removing the grievances which existed. The opportunity had been thrown away, and that form of resistance must be continued. He ventured to ask the Government to be wise and bold. He did not want them to be as wise as serpents and as harmless as doves: wisdom was a great merit in a statesman, but courage was a greater virtue than wisdom, and he had almost said that reckless courage was the best attribute for the present condition of affairs. The people of the country were solid behind the Government, and whatever might have been their small differences in regard to the details of the Bill, they had by common consent to resist the demand of the House of Lords to force denominational education on the country. Therefore they called upon the Government to be brave. They had been heartened by the words of the Prime Minister. The right hon. Gentleman had said just the words they wanted him to say, and those words would encourage them to go on demanding the old religious liberty which was the right of every parent citizen. Whatever the result of this controversy might be, it must result in the triumph of those principles, however long that triumph might be delayed. The hon. Member for Merthyr Tydvil had said that they on that side were to be blamed for wrecking the Bill, because they did not adopt the secular principle. He was not going to enter upon the secular discussion, but he did not think that was a fair charge to make. He had always supported the reading of the Bible in our schools as he regarded it as the best and oldest piece of literature in the world. He could not join in the crusade to keep the Bible out of the schools, but he was willing to say, if they were willing to accept it, that the Bible should be its own witness in the school free from clerical interference or domination. He could not agree that if the Government had made the basis of the Bill

secular they would have been relieved of these theological squabbles, as he thought the country was not ripe for that form of settlement. The case immediately before the House was how they were, in the face of the rejection of this valuable Bill, to deal with the constitutional question which had arisen. They would deal with the education question after dealing with that. There were no doubt many parts of the Bill which the House of Lords could and would accept, including even those to which the right hon. Gentleman the President of the Board of Education had referred. But he felt quite sure that the general system of education would never be dealt with properly until they had dealt with the constitutional question. He assured the Government of the support of the country and of hon. Members on the Ministerial side of the House. He could not sit down without joining in the chorus of praise that had been given to the President of the Board of Education. No doubt the right hon. Gentleman had felt that he (Mr. White) had put his views before him on the question of education too often, nevertheless the right hon. Gentleman had always received them with the utmost courtesy and with his great sense of justice had endeavoured to treat those views with the respect that he felt they deserved. He hoped the President of the Board of Education would not be discouraged. The principles for which he was contending were immortal principles. No vote of the House of Lords or of the Bishops could destroy them or wean from them the affections of the great majority of the people of England. Therefore he hoped the right hon. Gentleman would not give up the struggle or his belief in his ability to carry a Bill that would be a blessing to the childhood of the nation and would add to the greatness and prosperity of the country.

MR. ADKINS (Lancashire, Middleton) said it had been truly remarked that this was the end of the battle but the beginning of the war. He ventured to hope that the intense ardour with which hon. Members on the Ministerial side of the House would throw themselves into this war would not prevent those provisions in the Bill relating to the health of the children, and other

Mr. George White.

parts of the Bill upon which there had been general agreement, becoming law at an early date. The fact that they now had debates and disputes not only on the education question but on the constitutional question made it all the more necessary that those provisions which would stimulate self-government and education, which would help the children and enlarge the scope of local administration, should be passed into law as soon as possible. The Opposition to the Bill in this and the other House had been based not only on the theological considerations of which they had heard so much, but also on the difficulties of its administration. Time and again they had been told that the proposals of the Government were unworkable, but however difficult it might have been to carry out the Bill as it left this House and as it was further modified by the Amendments in the House of Lords, the difficulties would have been no greater than those connected with the Bill of 1902. Whether this dispute resulted in the victory of church over chapel or chapel over church, sooner or later it was inevitable that the dual system of education must come to an end. Those who had supported the Government through all the stages of this Bill were certain that in the next chapter of the controversy more and more stress would be laid upon what was absolutely necessary from a business-like point of view to provide that education was properly administered, and he believed that the people of the country and Members of this House would rally in ever-increasing numbers to the support of the solution which the Government had proposed during this Parliament. He joined in the thanks which had been showered on the right hon. Gentleman the President of the Board of Education for the endless kindnesses and courtesies which they had received at his hands and for the way in which he had treated the House, and he thanked the right hon. Gentleman the Prime Minister for the way in which he had referred to the constitutional question. He believed there had been no instance in history since the days of the great speech of Lord Halifax in the time of Charles II. in which when great constitutional crises arose between the two Houses they had

not been decided in favour of the House of Commons. He believed that hon. Members of this House were determined that the predominance of the House of Commons which was won ages ago should be maintained in the face of the present crisis, so that the will of this House should be the final determination by which the people of the country should be governed.

MR. HUNT (Shropshire, Ludlow) said he differed entirely from the hon. Member for Middleton. If the country was behind the Government in this matter why did they not go to the country? Why all this thunder against the House of Lords? Right hon. Gentlemen opposite had the remedy in their own hands, but did not dare to use it. They knew perfectly well they did not dare to go to the country upon this Bill. The action of the House of Lords in this case had been quite right, because the Bill had never been a fair one. In the case of the Catholics alone, although some little extra advantage had been given to them, they would lose 200 out of their 1,060 schools, and even in the schools where their teachers were allowed to give religious instruction, they had not only to pay for their own teachers, but also to pay towards the religious instruction given in other schools in a religion which they conscientiously disbelieved. It was a far worse thing than was done under the Act of 1902, because in this case the schools had been built by the denominationalists, and the Government proposed not only to take away those schools, but in some cases not to allow the teachers to give religious instruction in their own schools.

MR. MADDISON (Burnley) said it must be obvious that this House had the strongest case against another place. The House of Lords had treated with contempt not some strong measure affecting their own interests which might have given them ground for alarm and fear, but a very moderate measure which from its inception was intended to conciliate rather than to obtain an educational settlement on strong national lines. The treatment of the Bill could not have been worse if it had been a most revolutionary measure. The hon. Member

for Norfolk had asked what was really meant by secular education; he could only speak for the view of those whom he represented in this matter, and a secular solution meant simply this—

MR. DEPUTY-SPEAKER: I am afraid this is quite irregular. I fail to see what the meaning of “secular solution” has to do with the question that this Order be discharged.

MR. MADDISON said he felt that they were at the very beginning of a great victory, both for education and for something still wider. What had another place done with reference to this Bill? Had they stood for religion? Was there a man in this House who could say that the Bill introduced by the right hon. Gentleman did not safeguard religion at every point? Indeed, it went further than merely safeguarding religion. It did something for sectarian religion, and yet, in spite of that, it was received with the greatest opposition, and that opposition was led by those Peers who were called spiritual. He listened the previous night in another place to the Archbishop of Canterbury, and he was bound to say the sophistry used was enough to deceive the very elect. They were given to understand that noble Lords and right rev. Prelates stood for the two cardinal points of popular control and abolition of tests for teachers, and yet every one of the Lords Amendments upon that part of the Bill violated those two great principles. But some of them did not expect anything much better from the spiritual Peers. It was said that they represented the spiritual voice which was to calm the savage feelings of ordinary humanity—that they were to take them from the sordid quarrels of politicians and to let into those quarrels the Heavenly voice. Well, their record was very earthly, and the whole record of the Bishops, whether it was in softening the criminal law or giving justice to Non-conformists, Jews, or Roman Catholics, had alike been reactionary and always in favour of monopoly and tyranny. War had been declared by the Bishops and other Peers, and he for his part welcomed that war, because he believed out of it would come far greater good

Mr. Maddison.

to the cause of education than would have resulted from a Bill weakened by compromise after compromise.

Question put, and agreed to.

Order discharged accordingly, and Bill withdrawn.

LAND TENURE BILL.

Order read, for Consideration of Lords Amendments.

Motion made, and Question proposed, “That the Lords Amendments be now considered.”

MR. SOARES (Devonshire, Barnstaple) said the House again had to consider a Bill which had been mangled and mutilated by Amendments made in another place. There were three courses, he believed, open to the House. One course was to propose a Resolution, such as that proposed in the case of the Education Bill, to reject the Amendments *in toto*, but he believed that required notice. Another course was to deal with the Amendments *seriatim*, but that would take a very long time. The third was to move that the Amendments be considered on that day three months. He was in very grave doubt as to the course which ought to be followed that afternoon. He was sincerely anxious that the Bill should pass into law if possible, and he knew that the farmers in the West country were intensely anxious that the Bill should be put on the Statute Book. It was evident also that this view was shared by the agricultural interest throughout the country, for there had been an enormous number of resolutions in its favour passed by agricultural clubs and chambers. Then, too, there had been an enormous amount of Parliamentary time spent on the measure. The Government had given exceptional facilities to the Bill. Lord Carrington had thrown his whole heart and soul into the matter, and they were exceedingly grateful to him for it. He did not like to think that all the energy, trouble, and toil should be entirely wasted. But what was the position to-day? Only twenty-eight Members could be found to vote against the Bill in this House, but it had gone up to the House of Lords and had been whittled

down and smothered by Amendments. He would deal only with some of the principal Amendments which had been made. By one the House of Lords had made the game clause of no effect, because it permitted contracting out. The Bill was intended to deal with bad landlords, and they would be the first to contract out of the clause. If they accepted the Amendment they would deprive the clause of all its value and introduce practically the Scotch game law into this country. With regard to the Amendment dealing with existing tenancies, all the landlord would have to do in defence when a claim for damages was made was to say to the arbitrator, "Well, I meant to allow a certain sum." If the House accepted these two Amendments they would make the game law a farce. The Amendments which had been made in the freedom of cropping clause vitiated the whole section, for it meant that there could be no experiments made, no progressive methods tried. The effect of one of the Amendments to the clause was to prevent its application to the whole of Scotland, and having regard to the fact that the Scottish Chamber of Agriculture approved of this clause unanimously he did not see how they could possibly accept that. Then they came to the Amendments to the all-important Clause 4. There was a little bit left of the clause, but the Lords had inserted an Amendment to the effect that it was not to apply in the case of leases for fourteen or more years. Here again Scottish tenants were to be deprived of the benefits of the Act, and to be liable to arbitrary and capricious treatment on the part of the landlords. But the most serious and important alteration of this clause was the insertion of the following subsection—

"Any question arising under this section as to whether a landlord acted without good and sufficient cause or for reasons inconsistent with good estate management shall, for the purposes of the provisions as to arbitration relating to the statement of a case and any appeal therefrom, be deemed to be a question of law."

If they accepted that Amendment they did away with all the benefits of Clause 4. It would mean that any tenant who had been evicted harshly and capri-

ciously would, first of all, have to go to arbitration, then before he could get any compensation, there must be an action in the county court, and from the judgment of that court there might be an appeal to a divisional court. The ordinary tenant farmer would certainly not be able to afford this costly litigation. Finally the Lords had inserted an Amendment which deferred the coming into operation of the Bill from 1908 to 1909. The effect of that would be to enable every bad landlord in the country to give his tenants notice and try to dodge the provisions of the measure. If all these Amendments were put into it the Bill would be absolutely worthless. There was no use sending Bills of this kind to the House of Lords, which consisted of nothing but large landlords. They might just as well ask a jury of hounds to try a case dealing with the rights of foxes as to ask the House of Lords to try a case dealing with the rights of tenants. The House of Lords was not guided by principles of justice, but by principles of prejudice and pride, and he sincerely hoped that it was the pride which went before a fall. He moved that the Lords Amendments be read that day three months.

*MR. LYNCH (Yorkshire, Ripon), in seconding, said that while the Bill as it left the House of Commons was a very material measure of land reform, it did not go nearly so far as a good many Members wished. His desire was to provide that, where a tenant had put money into the cultivation of the soil, and where the sinking of that money had produced a distinct improvement in the holding, at the termination of the tenancy the tenant should be able to get full compensation. The Bill was a modest one when it was introduced; but it had been whittled down until it had become of very little use to tenant farmers, containing only one really valuable provision, namely, Clause 4, relating to unreasonable disturbance. That was the form in which the Bill had left the House of Commons; but since then the Lords had so amended it that in its present form it could be of no use. The action of the Lords in omitting the preamble of

the Bill showed in a very extraordinary way their incapacity to deal with the laws of the country. By striking out the preamble the Lords had omitted the words—

“Consistently with the interests of the rural labouring class and of the community generally.”

With regard to these words a very interesting discussion took place in the Commons. They were inserted mainly in order to cover the words inserted in Clause 4 relating to the provision—

“Without good and sufficient cause and for reasons inconsistent with good estate management.”

The Solicitor-General had put these last words in to cover the case of a landlord who made a change in the nature of the farm by introducing small holdings. That would be a reason consistent with good estate management. The Lords had struck out the corresponding words in the preamble. [AN OPPOSITION MEMBER: The Government struck them out.] Yes, the President of the Board of Agriculture in the House of Lords had been continually pressed from the Opposition side of that House and had yielded in some matters. Anyone who had witnessed the Lords debates on this Bill must have been struck by the extraordinarily frivolous manner in which they had dealt with it.

THE DEPUTY-SPEAKER: Order, order. In discussing a matter of this kind the custom is to speak of the House of Lords in terms of respect; that is one of our fundamental rules, and I must therefore ask hon. Members to take care that it is observed.

*MR. LYNCH, continuing, said that, difficult though the task might be, he would certainly obey the ruling. The cardinal point of the Bill when it left the House of Commons was Clause 4, and they could not afford to have that clause altered in any way by the House of Lords. The clause provided compensation for disturbance. Under the Lords Amendments the tenant would have to prove that he had inevitably incurred the loss, that the loss was directly attributable to his quitting the holding, and he had to give

Mr. Lynch.

certain notices. The whole question of whether or not he had been turned out for good and sufficient cause would be reserved for a court of law, and might involve a tenant in costs which he was wholly unable to bear. All these proceedings related to a simple claim for the recovery of loss due to the sale of his goods and chattels necessitated by his having to leave his holding without good and sufficient cause. That was a monstrous provision. He was firmly convinced that the Bill, by giving fair and just rights to the tenants, would in no way damage a good landlord, but would greatly benefit him. The best way to deal with the Lords Amendments was to reject them. If by that means they lost the Bill he should not regret it, because he felt that a much more drastic measure of land reform on these lines ought to be introduced. If the Bill were accepted it would be letting off for a number of years all those who were opposed to such reform. He hoped the Government would make no concessions, but would stand firmly by Clause 4, and if as a result the Bill was lost he would not regret it.

Amendment proposed—

“To leave out the word ‘now,’ and at the end of the Question to add the words ‘upon this day three months.’”—(*Mr. Soares.*)

Question proposed, “That the word ‘now’ stand part of the Question.”

SIR EDWARD STRACHEY (Somersetshire, S.) said he was not surprised at the strong feeling expressed by his hon. friends, but he would remind them that, although this Bill had been very much altered since it was introduced, there was no doubt that in certain ways it had been considerably improved. It could no longer be called a one-sided Bill. While the tenant was protected in many ways, the landlord had ample protection against any injury. On the merits of the case he was inclined to agree that the Government had made every concession they could, but the period of the session must be taken into consideration. He would indicate what the Government were ready to do. The first Amendment he would deal with was on page 2, line 28, which proposed to leave out “before the

commencement of this Act." The object of that Amendment was that there should be no difference between existing and future tenancies. The objection had been taken that it would allow contracting out and enable the landlord in fixing the rent to say that he was going to fix it at, say, £300 a year, nominal, but that, in consideration of the damage that would be done by game, he would reduce it to £200. The effect of that for all practical purposes would be that the landlord would be contracted out of giving any compensation to the tenant at all. Of course, he might be told that it would be impossible for the landlord to do so because the arbitrator in considering the question of compensation would consider what was fair and just. It was doubtful whether the arbitrator would not say at once, "This is a ridiculous agreement." On the other hand, he could quite see that the arbitrator might say, "You have entered into this with your eyes open, and therefore I cannot give you the compensation which would have been given in respect of the rent you are nominally supposed to pay." There were a good many *pros* and *cons* in connection with the matter, and, therefore, the Government had decided to leave it an open question to the House. As to the Amendment in page 2, line 34, inserting a proviso after the word "just," the Government, having considered the matter, thought the Amendment very vague, and they had come to the conclusion that they must resist it. The Amendment at page 3, line 5, inserting after "land" the words "on his holding consistent with the principles of good husbandry," was no doubt a very important and serious one. Speaking for himself, it seemed to strike entirely at the principle indicated in the Bill that tenants, as far as arable land was concerned, were to have no limitation placed upon them as to freedom of cropping. That was to his mind a very desirable enactment to make. The Lords imposed a limitation on that freedom by inserting words to the effect that freedom of cropping must be consistent with the principles of good husbandry, thereby empowering the landlord to say that the tenant must go back to the four-course

system. As the Bill was originally introduced, freedom of cropping was allowed in respect of pasture land as well as of arable land; but the Government limited it to arable land, and, as that was as far as they would go, they must resist the Lords Amendment. Other Amendments provided that in the last three years of nineteen years leases freedom of cropping should not apply to arable land, and that farms held under current leases of fourteen years and over should be excluded from compensation for disturbance. With both of these Amendments the Government proposed to disagree. The Bill provided that the arbitrator should himself decide whether the action of the landlord in refusing to renew a tenancy was for good and sufficient cause and for reasons consistent with good estate management; but the Lords referred the decision of this question to the county court with the right of appeal. It was clear that such an Amendment, on account of the heavy legal expenses it would involve, would destroy all chance of small tenants obtaining the benefits of the Bill, and the Government therefore proposed to resist it. The Lords also postponed the date on which the Bill was to come into operation until January 1st, 1909, and that Amendment the Government intended to accept. He hoped his hon. friend would, in these circumstances, withdraw his Motion and allow the House to proceed with the consideration of the Lords Amendments *seriatim*.

MR. WALTER LONG said the Opposition had no desire, at this stage of the session, to contest the course which the Government proposed to take in regard to the Lords Amendments. For himself, he still held the opinion, which he had expressed on the Third Reading, that the Bill was a fair and reasonable compromise between those who represented the various interests in land, and that as it left the House of Commons there was nothing in it of which any reasonable person need be afraid. While he held that opinion, he thought the theory that compensation should be paid to a tenant on quitting a holding for reasons unconnected with ordinary husbandry was an unsound one which was likely to produce litigation between landlord and

tenant, notwithstanding the safeguards by which the provision was surrounded. As to the omission of the words "made before the commencement of this Act" the hon. Baronet had stated that this was to be left an open question. If a division was taken upon it, he would support the omission of the words, as he thought it would be better on the whole if they were left out. As to the other Amendments, the hon. Baronet had spoken at length on the clause about freedom of cropping. In another place the words were inserted "consistent with the principles of good husbandry." He maintained that the insertion of those words would have no effect whatever, for the hon. Baronet knew well that, in many districts where the four-course system prevailed, when the tenant altered it no good landlord raised any special objection. But what he argued was that an occupying tenant of land, paying a rent under certain conditions, ought not to be allowed to embark on what might be dangerous experiments without the consent of the landlord. They knew of the experiments that had been carried on at Roehampton, but it must be remembered that these were not made on land for which compensation would have to be paid. He did not think that the Amendments would have the effect which the hon. Baronet believed they would. As to the other Amendments dealing with leases of nineteen years or longer duration, there was a sub-section (b) which provided that—

"In any other case as respects the year before the tenant quits the holding, or any period after he has given or received notice to quit, which results in his quitting the holding."

He assumed that the reason for that Amendment was that the original clause did not contain the words "quitting the holding." If a man was paid by his landlord for any improvement he had made, that improvement ceased to be his property and became the property of the landlord, and not of the incoming tenant. He thought it would be much better to leave things as they were. As to leases, that was a question which applied almost exclusively to Scotland, because, as hon. Members knew, long leases were the exception in England. He had profound sympathy with the Presi-

dent of the Board of Agriculture, because he understood that some of the Amendments introduced by the noble Lord in the other House had been received with the most scathing demonstrations by his friends in this House.

*MR. SOARES said he wished to thank the hon. Baronet for the fair manner in which he had met him in this matter. He understood that the Government would oppose five out of the seven Amendments to which he had objected, that they would leave one of the remaining Amendments to the House and would only insist upon the 1909 Amendment. Under these circumstances he asked leave to withdraw his Amendment.

Amendment, by leave, withdrawn.

Main Question again proposed.

MR. MORTON (Sutherland) said that an attempt had been made in the Lords to keep Scotland out of the benefits of the Bill. He insisted that Scotland was not represented in the Upper Chamber, although there were sixteen Scottish representative Peers there. These sixteen Peers, however, had not the slightest sympathy with the majority of the people of Scotland. If any little advantage was to be given to the farmers of this country it should be extended to Scotland. He understood that the Government were going to accede to the Lords Amendment that the Bill should not come into operation until 1st January, 1909, instead of 1908; but he hoped that the Scottish Members would be allowed a free hand in the division on that point. Everybody knew that at this particular period it was necessary to do something for the farming industry and to prevent the agricultural labourers from coming from the country into the already congested large towns. He desired that the whole of the United Kingdom should have the full benefit of this class of legislation. It had already been considerably whittled down, and he hoped that the Government would not allow it to be whittled down any further. He was glad to know that many noble Lords were beginning to see that something should

be done to help the farmer and to keep the labourers on the land. He did not want to make any disrespectful allusions to the House of Lords, but they were not entitled to legislate alone for the people of this country, and he protested against their attempt to rob Scotland of the benefits of the Bill.

MR. BLACK (Banffshire) said he would have been glad if the Government had considered the expediency of giving more time to the consideration of the Amendments made by the House of Lords. Those Amendments had been presented in a form which made the conception of their full effect difficult. He himself had endeavoured to analyse the game clause, in which his constituents were most interested, and he found that it was of such a character as to place many difficulties in the way of a tenant making good his claim for compensation for damage done by game. As the clause now stood, what chance had small tenants, paying only £20, or £50, a year rent, of obtaining compensation from landlords who had the House of Lords at their back? Another reason why he objected to the clause was not only that the Bill as it stood was unfitted for Scotland, but, seeing that the Government had agreed to defer its operation until 1909, it might well be postponed until next session. Under the Bill as it stood they would have two whole sessions during which they could look at its provisions. He thought the Government was good enough to last for that period, and that it was wise not to allow the Bill to pass unless it was satisfactory, because they would not have another Agricultural Bill for some time. If, therefore, they allowed the Bill to lie over for two sessions they should have another opportunity of "licking it into shape." Another reason for delay was that the Bill was not suited for Scotland, and would require much alteration in that respect. For these reasons he hoped the Government would at this period of the year allow the whole Bill to go over to next session. He ventured to think that the good of the country would be best consulted by taking that course, which would be the same as had been adopted in the case of the Education Bill.

MR. J. WARD (Stoke-on-Trent) thought it would be a fatal policy to allow this Bill to be destroyed because of one Amendment in the House of Lords. If the Bill were delayed till next session or even till the year 1909, he did not think the House of Lords, if they exhibited the same disposition which he saw displayed last evening, would deal any more favourably with a Land Bill than they had done now. He heard last night in the House of Lords the idea expressed that for a tenant to think that he had any rights in his holding was rank blasphemy. He also heard it suggested, with the approval of most Members of the other House, that in neither agricultural nor industrial matters had this House the slightest right to represent the people engaged in those pursuits. So long as that was the opinion expressed in another place, and so long as legislation dealing with social, political, and industrial reforms presented by the representatives of the nation, was dealt with in that way, they could not hope for more decent treatment of these measures in the future than they could now. On the other hand, it was clear that there would be a great constitutional question before the country in a few years which would overshadow land and all other reforms, and be the pivot upon which those reforms would hang; therefore although the principle contained in this Bill was a bare representation of the one which they would like to see adopted in regard to land reform, he thought they had better deal with this measure at once. Under these circumstances he hoped the Government would not accept the suggestion of his hon. friend, but would proceed to consider the Lords Amendments.

MR. CROMBIE (Kincardineshire) said he could not associate himself with a course which would entirely destroy the Bill. As far as Scotland was concerned, he understood from the hon. Baronet in charge of the Bill that he intended to put the Bill back into the form in which it left this House, and he did not think that Scottish Members would object to that course, although the Bill as applied to Scotland was not satisfactory. At an earlier stage the House had a discussion as to whether or not the Bill should include Scotland, and the opinion of

the Scottish Members was that, although it was a poor Bill and did not satisfy them, still they would rather have that Bill than nothing at all. That having been their opinion then, he thought Scottish Members would rather have the Bill even with the Amendments of the House of Lords than nothing at all. He thought the postponement of the date was objectionable, but it was not so objectionable in Scotland as it might be in England, because in Scotland they had the system of nineteen years leases. Even in Scotland, however, when a lease ran out, there was a practice of running on from year to year, and such a postponement would have a detrimental effect, and he should be glad if the Government would resist that Amendment.

MR. ROWLANDS (Kent, Dartford) was glad to see that the Government were going to restore the Bill to something like the form in which it left this House. Some of them who had followed the course of the Bill were not pleased with it now. The part of the country which he represented took a great interest in the question, and while they were pleased to accept the measure, they thought it right to put on record the fact that they accepted it as the absolute minimum in the shape of reform in this direction. This was not the last attempt that would be made for land reform.

Question "That the Lords Amendments be now considered," put, and agreed to.

THE SOLICITOR-GENERAL (Sir W. ROBSON, South Shields) said that the Government desired to agree with all the Amendments, except one, on the first page of the Lords Amendments, as they were all of a drafting character and raised no question of principle. As to the leaving out of the preamble, that was done in all modern statutes, and he should in due course move to disagree with a portion of the Lords Amendment which appeared at the bottom of the first page and at the top of the second page of Amendments.

Lords Amendments—

"In page 1, in the title, to leave out the words 'the Tenure of Land' and to insert the words 'Agricultural Holdings.'

Mr. Crombie.

In lines 1 to 5, to leave out the Preamble. In line 6, to leave out the word 'therefore.' To leave out lines 10 and 11. In line 12, after the second 'one' to insert the words 'of the Agricultural Holdings Act, 1900.' In line 19, to leave out the word 'his' and to insert the word 'a.' In line 24, after the word 'Holdings' to insert the word 'England.' In line 25, after '1900' to insert the words 'or the Agricultural Holdings (Scotland) Acts, 1883 to 1900.' In lines 25 and 26, to leave out the words 'any custom or' and to insert the word 'the.' In line 26, to leave out the words 'to be determined by' and to insert the words 'referred to.'"

"In page 2, in line 1, to leave out the words 'notwithstanding any agreement to the contrary and.' In line 2, to leave out the words 'tenancy commenced' and to insert the words 'matter to which the arbitration relates arose.' In line 3, after the word 'determined' to insert the words 'notwithstanding any agreement to the contrary;'" read a second time and agreed to.

Lords Amendment—

"In line 6, after '1900' to insert the words 'and any sum awarded by such arbitrator to be paid, shall be recoverable in manner provided by the Agricultural Holdings (England) Acts, 1883 to 1900, or the Agricultural Holdings (Scotland) Acts, 1883 to 1900, for the recovery of compensation. Provided that nothing in this sub-section shall interfere with or prevent any contract or agreement between the landlord and tenant for an outgoing or other valuation.'"

(3) The following rule shall be substituted for rule (10) in Part I. of the Second Schedule to the Agricultural Holdings Act, 1900:—

"The arbitrator shall on the application of either party specify the amount awarded in respect of any particular improvement or any particular matter the subject of the award, and the award shall fix a day not sooner than one month or later than two months after the delivery of the award for the payment of the money awarded as compensation, costs, or otherwise, and shall be in such form as may be prescribed by the Board of Agriculture and Fisheries," read a second time.

SIR W. ROBSON moved that the House doth agree with the Lords in the said Amendment save only as regarded one slight particular. The whole matter was, he explained, more or less a question of drafting. The beginning of the Amendment dealt with the recovery of money awarded by the arbitrator, which it was provided should be recoverable in the manner laid down in the English and Scottish Agricultural Holdings Acts. That was to enable the amount of money recoverable to be embodied in an Order of the Court, but the Lords had added a proviso which said that nothing in the sub-section should interfere with or prevent any contract or agreement between the landlord and tenant for an outgoing or other valuation. It was these words that he proposed to omit, because he considered that they were unnecessary. The sub-section dealt with arbitration and not with valuation, and he thought that if these words were inserted they might create a good deal of confusion.

Amendment proposed to Lords Amendment—

"To leave out the words 'Provided that nothing in this sub-section shall interfere with or prevent any contract or agreement between the landlord or tenant for an outgoing or other valuation.'"

Question proposed, "That the words proposed to be left out stand part of the Lords Amendment."

MR. ABEL SMITH (Hertfordshire, Hertford) inquired whether he was right in understanding the hon. and learned Solicitor-General to say that the effect of the Lords Amendment would not be changed if this proviso were omitted. He understood that it was being omitted because it was irrelevant. As it would affect many people in different parts of the country he wished to be quite clear upon the point.

SIR W. ROBSON replied that the sub-section which he proposed to omit was irrelevant, as the main proposal dealt with arbitration and not with valuation.

Amendment to Lords Amendment agreed to.

Lords Amendment, as amended, agreed to.

Lords Amendments—

"In page 2, line 8, to leave out the words 'that neither he nor' and to insert the words 'the right to kill and take which is vested neither in him nor in.'"

"In line 9, to leave out the words 'has the lawful right to kill' and to insert the words 'and which the tenant has not permission in writing to kill,' read a second time, and agreed to.

Lords Amendment—

"In line 19, to leave out the words intention to make a claim for compensation' and to insert the words 'the damage,' read a second time.

SIR W. ROBSON said the Government accepted this Amendment so far as the meaning of it was concerned and its intention. He moved to agree with the first part of the Amendment and to disagree with the second. He explained that the sub-section would then provide that compensation could not be claimed unless notice in writing was given to the landlord. The word "damage" was not a convenient expression. They did not want to multiply notices nor to make them too specific. He formally moved to agree with the Lords Amendment down to the word "compensation" and to omit the words "and insert the damage."

Amendment proposed to the Lords Amendment—

"To leave out the words 'and insert the damage.'"

Amendment to the Lords Amendment agreed to. Lords Amendment, as amended, agreed to.

Lords Amendments—

"In page 2, line 20, after the word 'landlord' to insert the words 'as soon as may be after the damage was first observed by the tenant and a reasonable opportunity is given to the landlord to inspect the damage.'"

"In lines 21 and 22, to leave out the words 'at least three weeks.'"

"In line 22, to leave out the words 'reaped or raised' and to insert the words 'begun to be reaped, raised, or consumed.'"

"In line 23, to leave out the word 'done.'"

"In lines 23 and 24, to leave out the words 'at least one week.'"

"In line 24, after the word 'is' to insert the words 'begun to be.'"

"In line 25, to leave out the words 'the claims made' and to insert the words 'notice in writing of the claim, together with the particulars thereof, is given to the landlord.'"

"In line 26, to leave out the word 'year' and to insert the words 'calendar year, or such other period of twelve months as by agreement between the landlord and tenant may be substituted therefor,'" read a second time, and agreed to.

Lords Amendment—

"In page 2 line 28, to leave out the words 'made before the commencement of this Act,'" read a second time.

SIR EDWARD STRACHEY moved to disagree with the Amendment. He had already stated generally the views which induced the Government to leave this an open question, and he was quite ready to admit that there was something to be said on both sides. As, however, the right hon. Gentleman who was at present leading the Opposition had indicated his view upon the Amendment, he desired to say that he took entirely the opposite view. He therefore moved that they should not agree with the Lords in the said Amendment.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."

MR. SOARES said that if the Lords Amendment was carried it would be possible for people to contract out of the game clause.

MR. MORTON said it was dangerous to have a contracting-out clause.

MR. ABEL SMITH said this was a question, not of contracting out, but of convenience. If the landlord and tenant could agree upon a sum to cover the estimated damage by game in an ordinary season, a large number of small claims would be avoided and an immense

amount of friction would be prevented. He complained that on this question the representative of the Board of Agriculture had thrown over his chief in the other House.

Question put, and agreed to.

Lords Amendments—

"In page 2, line 29, after the word 'payable' to insert the words 'by him.'"

"In line 32, to leave out the words 'in assessing the compensation under 'this section.'"

"In line 34, after the word 'payable' to insert the words 'under this section,'" read a second time, and agreed to.

Lords Amendment—

"In page 2, line 34, after the word 'just' to insert the words 'Provided that in the case of a contract of tenancy current at the commencement of this Act, such a deduction as aforesaid shall be made whether the allowance was to an agreed amount or not, and whether the allowance was expressly made or not, and for the purposes of this proviso a tenancy from year to year current at the commencement of this Act shall be deemed to continue until the first day on which either the landlord or the tenant could, the one by giving notice to the other immediately after the commencement of this Act, cause the tenancy to determine,'" read a second time.

SIR EDWARD STRACHEY moved that the House should disagree. This was the Amendment which provided that with regard to existing tenancies it should not be necessary for the landlord to prove that any allowance was agreed to as the amount of compensation, or whether there was any express provision or not in regard to the tenancy. He thought it would be very much better, especially as they had just passed the previous Amendment, that the money given by the landlord as compensation should be dealt with in one manner. The simpler they made the Act the better it would be, because it was sufficiently complicated already. The Government, therefore, resisted the Amendment, and he moved that the House disagree with it.

Motion made, and Question "That the House doth disagree with the Lords

in the said Amendment," put, and agreed to.

Lords Amendments—

"In page 2, line 35, after the word 'kill,' to insert the words 'and take the.'"

"In page 2, line 39, to leave out from the beginning of the line to the word 'deer' in line 40, and to insert the words 'For the purpose of this section, 'The expression 'game' means.'"

"In page 3, lines 3 and 4, to leave out the words 'produced upon the holding,' read a second time, and agreed to.

Lords Amendment—

"In page 3, line 5, after the word 'land' to insert the words 'on his holding consistent with the principles of good husbandry,' read a second time.

SIR EDWARD STRACHEY moved to leave out the words "consistent with the principles of good husbandry," on the ground that if they were retained they would be giving with one hand and taking away with the other. It had been decided by this House that although the tenant ought not to be allowed to have freedom of cropping as regarded the whole of his holding, yet as regarded arable land such freedom was very desirable and the tenant should not be restricted by any covenants from cultivating arable land to the greatest possible advantage. It was obviously desirable in these days to encourage tenants to cultivate arable land to the very best advantage and that nothing should be done to hamper that cultivation. The right hon. Member for South Dublin seemed to think that the words "consistent with the principles of good husbandry" would not have a limiting effect, but certainly the impression on his mind in listening to the debate in another place was that the object of the Amendment was of a limiting nature. If, however, the right hon. Gentleman were right he would urge that it would be a ground for striking out these words, because in that case they would be of no use. If, on the other hand, the words would have the effect of limiting the tenants' freedom of cropping on arable land they should be struck out.

Amendment proposed to the Lords Amendment—

"To leave out the words 'consistent with the principles of good husbandry.'"—(*Sir Edward Strachey*.)

Question proposed, "That the words proposed to be left out stand part of the Lords Amendment."

MR. WALTER LONG thought the hon. Gentleman had derived a wrong impression from the debate in the other House. He imagined the object of another place was to prevent any wild experiments likely to result in damages, and certainly, if he thought the exclusion of these words would expose the land of the country to the very grave risk of wild experiments at the hands of those who knew very little about land cultivation, he should do his best to secure their retention. But he thought the clause placed the tenant within entirely satisfactory limitations, and, as he was afraid the introduction of these words might lead to confusion and litigation, it would be desirable to omit them.

Amendment to the Lords Amendment agreed to.

Lords Amendment, as amended, agreed to.

Lords Amendments—

"In page 3, line 7, to leave out the words 'contained in any such contract of tenancy or agreement.'"

"In page 3, lines 10 and 11, to leave out the words 'and provided also that he shall return to the holding as soon as may be' and to insert the words 'which provision shall in the case of disposal of the produce of the holding consist in the return to the holding of the full equivalent,' read a second time, and agreed to.

Lords Amendment -

"In page 3, line 12, after the word 'value' to insert the words 'to the holdings'; after the word 'holding' to insert the words 'in contravention of the custom contract or agreement. Provided that this sub-section shall not apply—(a) In the case of a lease for nineteen years or longer duration as

respects the last three years before the expiration thereof; or (b) in any other case as respects the year before the tenant quits the holding, or any period after he has given or received notice to quit, which results in his quitting the holding," read a second time.

SIR EDWARD STRACHEY moved to amend the Lords Amendment by reinstating the provisions which were in the Bill when it was sent up to the other House. He said the first Amendment of the Lords restricted freedom of cropping in the case of a nineteen years tenancy, as regarded the last three years of the lease, when the tenant would have to go back to the three-course system, which he was told was in vogue in Scotland. The Government did not see why the tenant of arable land, whether he had a lease or not, should be restricted in this matter. The Scottish Chamber of Agriculture at their summer meeting unanimously approved of this section as it then appeared in the Bill, and therefore it might be assumed that they would equally unanimously disapprove of the alteration made in another place.

Amendment proposed to the Lords Amendment—

"To leave out from the word 'apply' to the end and insert the words (a) in the case of a tenancy from year to year as respects the year before the tenant quits the holding or any period after he has given or received notice to quit which results in his quitting the holding; or (b) in any other case, as respects the last four years before the expiration of the contract of tenancy."

Question proposed, "That the words proposed to be left out stand part of the Lords' Amendment."

MR. WALTER LONG said the whole difference between the two Houses narrowed itself down to a question of three years or one year. He thought there was a good deal to be said on behalf of the Lords Amendment, but he was bound to recognise that the Act of 1900 did interfere with existing holdings. This Bill carried the interference further, because it interfered with leases, and interfered with them in a way which was somewhat serious. He believed there was a strong feeling in Scotland in favour of the original form of this particular provision, and,

on balance, he did not feel himself justified in offering opposition to the action of the Government.

COLONEL KENYON-SLANEY (Shropshire, Newport) said on this point he did not think English Members were the best judges, because they had very limited experience, but he could not help feeling that the Lords Amendment might be beneficial from the point of view of the continuance of leases. While he did not separate himself from his right hon. friend, he would not like the matter to pass without it being understood that some of them recognised there were strong arguments in favour of the Lords Amendment.

MR. MORTON said that, so far as he could gather the opinion of his constituents and others in Scotland, they were most anxious to come under the Bill as it was before, and they would take the risk about the leases.

Amendment to the Lords Amendment agreed to.

Lords Amendment, as amended, agreed to.

Lords Amendments—

"In page 3, line 15, after the word 'shall' to insert the words 'without prejudice to any other remedy which may be open to him.'"

"In line 17, to leave out the words 'or as the case may require,' and to insert the words 'at any time and should the case so require' and after the word 'injunction' to insert the words 'or in Scotland an interdict.'"

"In line 23, to leave out the word 'adequate,' and insert the word 'such,'"

Read a second time, and agreed to.

Lords Amendment—

"In page 3, line 24, to leave out from the word 'deterioration' to the end of the clause, and to insert the words 'as is required by this section or in respect of other provision made for the purpose of complying with this section. (4) In this section the expression 'arable land' shall not include land in grass, which by the terms of any contract of tenancy, is to be

retained in the same condition throughout the tenancy,"

Read a second time.

SIR EDWARD STRACHEY said he believed the object of this Amendment—though he did not think the words carried it out in the most satisfactory way—was to prevent a tenant being paid twice over, that was to say for selling crops and for manures or feeding stuffs to replace what he had sold off the land. He proposed to amend the Amendment by leaving out the words "or in respect of other provision made for the purpose of complying with this section," and to insert in their place, "improvements comprised in Part III. of the first schedule of the Agricultural Holdings Act, 1900, which have been made."

Amendment proposed to the Lords Amendment—

"To leave out the words "or in respect of other provision made for the purpose of complying with this section," and to insert the words 'improvements comprised in Part III. of the first schedule of the Agricultural Holdings Act, 1900, which have been made.'"

Amendment to the Lords Amendment agreed to.

Lords Amendment as amended, agreed to.

Lords Amendments—

"In page 3, line 37, to leave out the words 'or refuse to grant a renewal of the tenancy or,' and insert the words 'a tenancy by notice to quit, or after having been requested in writing at least one year before the expiration of a tenancy to grant a renewal thereof refuses to do so or where'; in line 38, to leave out the word 'is' and insert the words 'has been'; in line 39, to leave out the words 'as the result of,' and insert the words, 'and that such increase was demanded by reason of an increase in the value of the holding due to'; in lines 39 and 40, to leave out the words 'effected at the cost of such' and insert the words 'executed by or at the cost of the.'"

"In page 4, line 5, after the word 'expense' to insert the words 'directly attributable to his quitting the holding';

in line 6, to leave out the words 'by reason of his quitting the holding, sustains or incurs,' and insert the words 'may unavoidably incur,'"

Read a second time, and agreed to.

Lords Amendment—

"In page 4, lines 7 and 8, to leave out the words 'goods, implements, produce or stock' and insert the words 'household goods or his implements of husbandry produce or farm stock on or used in connection with the holding; provided that no compensation under this section shall be payable

'(a) Unless the tenant has given to the landlord a reasonable opportunity of making a valuation of such goods, implements, produce, and stock as aforesaid; or

'(b) Unless the tenant has within two months after he has received notice to quit or a refusal to grant a renewal of the tenancy, as the case may be, given to the landlord notice in writing of his intention to claim compensation under this section; or

'(c) Where the tenant with whom a contract of tenancy was made has died within three months before the date of the notice to quit, or in the case of a lease for years before the refusal to grant a renewal; or

'(d) If the claim for compensation is not made within three months after the time at which the tenant quits the holding; or

'(e) In the case of leases for fourteen or more years current at the passing of this Act;'"

Read a second time.

MR. MONTAGU (Cambridgeshire, Chesterton) moved to leave out sub-section (c). As he understood it, the Bill prevented a landlord dealing with a tenant in an unreasonable manner or in a way that was inconsistent with good estate management, but if they left in sub-section (c) a landlord might deal in an unreasonable manner or in a way inconsistent with good estate management, and to the detriment of the widow or son, or whoever might be farming the land, however satisfactory that farming might be.

in with the tenant's right. He confessed that it was difficult to follow imaginary cases.

Amendment proposed to the Lords
Amendment—

"To leave out sub-section (c)." — (*Mr. Montagu.*)

Question proposed, "That sub-section (c) stand part of the Lords Amendment."

MR. SOARES begged the hon. Baronet to accept this Amendment. It was, he said, bad enough for a widow to lose her husband, but if three months afterwards she was to be capriciously evicted by the landlord it would be a bad case indeed. Out of pity for widows, who were sometimes just as good farmers as their husbands had been, he appealed to the hon. Baronet to accept the Amendment.

MR. ABEL SMITH said it was all very well to appeal for pity for the unfortunate widow and children, but he did not think that had very much to do with the question before the House, which was really as to whether this clause should be extended not only to tenants who would employ deputies, but to the representatives and successors of tenants who had died. This was an entirely new question, and it was rather a strong order to ask the House to accept the proposal at this late period of the session.

MR. J. WARD, in view of the peculiar sentiment underlying the exclusion of the widow or children from benefits of the law, hoped some arrangement would be come to to meet the case.

MR. MORTON expressed the hope that the hon. Gentleman would give way on this matter. He did not see why a widow should be debarred from getting compensation because she was a widow. Surely it was a matter that might be left for the people to settle themselves. By putting in these words they would take away from people engaged in agriculture some of the good which it was hoped the Bill would do. The general feeling of the House was that the Amendment should be omitted. He did not suppose that much difficulty would be made over the matter in another place.

MR. WALTER LONG said he had found great difficulty in estimating what the precise effect of the Amendment would be. It was well known that in a great many cases landlords, on the death of a tenant, did not care to allow the widow to succeed as the occupying tenant. It was not from any feeling of hostility to widows in general or to any widow in particular, but because farming was men's business, and because it was thought that the control of the work was much better in the hands of men. If he was right, the Amendment was merely to protect the landlord who held these views from being liable to pay compensation for unreasonable disturbance for carrying out what was his invariable practice in not renewing the tenancy to a widow. The special circumstances to which the hon. Member for Sutherlandshire referred did not arise. The insertion of the words would not prevent the payment to a widow of a claim to which her husband would have been entitled if he had lived. The claim for compensation under this clause only came into existence if the landlord behaved unreasonably or without good and sufficient cause. It should be remembered that the widow or child was not the tenant unless the terms of the tenancy stated that on the death of the occupier the widow or child should become the occupying tenant. The sentimental view of the case did not arise. He thought there would be considerable danger in accepting the Amendment unless it would have an operation different from what he believed it would have.

SIR W. ROBSON said the object of the clause was perfectly clear. It was to deal with cases where the landlord did not care to have a tenancy of an onerous character continued by a widow. If the tenant died within three months before the date of the notice to quit, the notice to quit affected the widow. In such a case as that, it was not to be held as unreasonable disturbance because the landlord had chosen in the exercise of his discretion to say that he would rather have a male than a female tenant. It did not deprive the widow of any claim for compensation that might have accrued.

MR. TOMKINSON (Cheshire, Crewe) said he was very much inclined to agree with the Solicitor-General. Everyone familiar with these matters knew that very often a landlord was unwilling to continue a widow as the tenant of a farm. The refusal to allow her to remain in occupation was one of the most painful duties a landlord had to perform. It seemed to him that the question might be asked—Does a widow require a notice to quit? Was not the tenancy terminated by the death of the husband? He would be sorry if anything were done by the Bill to deprive a widow of any compensation to which she was entitled.

MR. BLACK said that in view of the fact that the Bill was applicable to Scotland it was necessary to accept the Amendment. Under Scottish leases it was a frequent thing for the contract to say that the heir of the tenant should succeed to the holding. There was no reason why the heir should be excluded from the operation of the clause.

COLONEL KENYON-SLANEY said nobody desired that what was fairly due to the husband at the time of his death should be denied to the widow, but what they would say if they accepted the Amendment was that the landlord was bound to continue the tenancy of the farm to the widow or the successor of the deceased. That was not reasonable.

MR. BLACK: That is so in Scotland.

COLONEL KENYON-SLANEY: I do not know about Scotland. I am talking about England.

MR. BLACK: The Bill applies to Scotland.

COLONEL KENYON-SLANEY said the landlord had not taken into consideration the possibility of the widow or son succeeding to the farm, although there were instances in which that occurred. It would be going outside the scope of the Bill to put on the landlord the responsibility of accepting the widow or successor of the deceased as tenant of a farm. What was proposed in the Lords Amendment was, as the President of the Board of Agriculture had stated, the

result of full consultation, and, therefore, it would hardly be fair to make the proposed alteration.

*MR. EVERETT (Suffolk, Woodbridge) said that when the tenancy of a farm was continued to a widow under a good landlord it was often a very valuable asset. He had personal knowledge of several cases in which by means of its large families had been successfully brought up. It might also be the means of enabling a widow to obtain another suitable husband. He hoped the House would excise subsection (c) and that the Lords would recognise that in doing so they were acting from considerations of humanity.

*SIR EDWARD STRACHEY agreed that there was a good deal to be said for the argument of the hon. Member who moved the Amendment. He had already intimated that the Government had made very great concessions with the view to securing the passage of the Bill. While personally he had the greatest possible sympathy with the idea that the widow, wherever possible, should be allowed to retain her deceased husband's farm, it was very difficult indeed to provide for that in an Act of Parliament. But this Amendment did not only refer to the case of widows he would remind the House. If made the effect of the Amendment would be to give rights to any heirs however undesirable and even to creditors, it might be, which would make all kind of complications and difficulties. He must appeal to his hon. friend, in consideration of the agreement which had been arrived at, to withdraw the Amendment.

MR. MORTON asked whether the Solicitor-General could give an assurance that the widow or child would not be pecuniarily injured by this clause.

MR. AINSWORTH (Argyllshire) said that a Scottish lease frequently provided that a man or his successor should be the tenant during the period for which the lease was made. What hon. Members from Scotland wanted to know was whether this clause would interfere with that succession.

SIR W. ROBSON said if a widow had a right to the succession, she would come

MR. MONTAGU asked leave to withdraw the Amendment.

Amendment to the Lords Amendment, by leave, withdrawn.

SIR EDWARD STRACHEY moved to leave out the following sub-section—

“(e) In the case of leases for fourteen or more years current at the passing of this Act.”

Amendment proposed to the Lords Amendment—

“To leave out sub-section (e).”

Amendment to the Lords Amendment agreed to.

Lords Amendment, as amended, agreed to.

Lords Amendment—

“In page 4, line 11, after the word ‘arbitration’ to insert ‘any question arising under this section as to whether a landlord acted without good and sufficient cause or for reasons inconsistent with good estate management shall, for the purposes of the provisions as to arbitration relating to the statement of a case and any appeal therefrom be deemed to be a question of law.’”

Read a second time.

SIR W. ROBSON thought the Amendment must have been made under a misapprehension. It overlooked the fact that an arbitrator had already the power under existing Agricultural Acts, when he found the facts, to state a special case asking a Court of law to decide the inference to be drawn from them. He did not think good estate management was a matter for a Court of law rather than an arbitrator. He therefore moved to disagree.

Motion made, and Question proposed, “That this House doth disagree with the Lords in the said Amendment.”

MR. WALTER LONG said he quite sympathised with the hon. Gentleman in his view as to the principle underlying the Lords Amendment.

Question put, and agreed to.

Lords Amendments—

“In page 4, line 15, to leave out the word ‘other,’ and insert the words ‘or after’; in line 16, to leave out from the word ‘respectively’ to the end of the clause, and insert the words ‘in like manner as the sections apply to improvements executed after those dates’; in line 26, after the word ‘intention,’ to insert the words ‘together with particulars of such repairs’; in line 31, after the word ‘fences,’ to insert the word ‘gates,’ and after the word ‘drains’ to insert the word ‘ditches’; in line 32, after the word ‘made,’ to insert the words ‘within three months after the commencement of the tenancy’; to leave out Clause 9.”

“In Page 5, leave out Clause 10.”

Read a second time, and agreed to.

Lords Amendment—

“In page 5, line 6, to leave out ‘eight’ and insert ‘nine.’”

Read a second time.

SIR EDWARD STRACHEY said he had already indicated that the Government assented to this Amendment.

*MR. LYNCH said it seemed to him that this Bill was mainly directed against the bad landlords, and why should its operations be delayed for another year?

*SIR EDWARD STRACHEY said that he knew there was a strong feeling in the House in regard to some of the Lords Amendments and he had moved to disagree with all substantial ones except this one. But he refused to believe that anyone imagined that the additional year interval would be taken advantage of to any substantial extent by the landlords or attempt to contract themselves out of the Act. They were generally agreed that the Bill held the balance between the landlord and the tenant, and that it was in favour of good husbandry. It had been said that the Bill was directed against bad landlords, but he maintained that these were very small in number indeed, and in his view few would desire the longer they had to consider its true effect to

contract themselves out of the Act. However, he would like to add a word of warning, that if the arrested facilities given by the extension of a year were used by landlords to any great extent to contract themselves out of the Act the question would have to be re-opened by further agricultural legislation, and in a very drastic manner, and very good care would be taken by the Government that in future no opportunity would be given of contracting out of any Act in the interests of agriculture.

*MR. SOARES said the Government had stuck nobly to the promises made by the hon. Baronet at the commencement of the debate. He strongly objected to this Amendment, which he looked upon as indefensible, but having regard to the fact that they had obtained all the other Amendments he thought this one might go with the protest which had already been made.

MR. LYNCH said that he was not in the House when the agreement which the hon. Baronet had announced was made; but he thought that this was a very substantial concession in return for the other concessions which had been made.

MR. MORTON said that according to this Amendment the people were to wait two years before the Act came into force. The hon. Baronet had told the House that the landlords were not likely to take advantage of the additional year to contract themselves out of the Act. But they knew in Scotland what some landlords had done in view of the mere prospect of the introduction of a Land Tenure Bill. He deeply regretted that the Government had been so weak in this matter, and allowed the Bill to be whittled down.

MR. J. WARD said he understood that at the beginning of the evening the hon. Gentleman in charge of the Bill made a statement as to certain concessions which the Government were prepared to make to the Opposition side of the House, and that having that statement before them they decided to proceed to consider the Amendments on those lines. It seemed to him, therefore, a strange thing that, having

elected to proceed upon that definite settlement, one Member got up and moved one Amendment and another got up and moved another. Either they should have rejected the concessions altogether or else they should have gone on like men and accepted the position.

MR. ADKINS said he agreed that this provision was a great blemish on the Bill, but an agreement had been come to by the President of the Board of Agriculture on this subject, and many of them would like to be loyal. Still they must recognise the fact that the real reason for this position was the action of the House of Lords, and that the responsibility for this blemish rested with that House and not with the House of Commons.

*MR. LYNCH did not desire to depart from the arrangement which had been made but said they desired to record their protest. After all, as the hon. Baronet in charge of the Bill had said, it was the bad landlords against whom this Bill was aimed; and it was these bad landlords who would take advantage of this extended term. However, they had a pledge that the Government would take action and accelerate the Bill if necessary. Therefore it behoved them all to watch in their respective districts and bring to the notice of the Government any efforts to defeat the Act.

*SIR FRANCIS CHANNING (Northamptonshire, E.) thought that if it was in the power of the Government to take such action as that mentioned by the last speaker it would remove some objections, but he wished to enter his protest against the unwise surrender on so vital a point by the President of the Board of Agriculture in another place and by his hon. friend in this House. He had listened to the speech of his hon. friend with absolute astonishment. They were not legislating for the good landlord, but for the bad landlord, and by this proposal they were giving two years grace to the bad landlord to shower notices to quit, and deprive his tenants of advantages under the Bill; and they gave an opportunity also to those landlords who were sitting on the fence to jump down on the side against

their tenants. He entered his protest against this surrender. He thought the Bill was a weak wishy-washy one to begin with, and after all the whittling down and emasculation it had gone through it was hardly more than a mere sign post to the promised land. This Amendment almost reduced their proceedings to a farce.

COLONEL KENYON-SLANEY said he did not attach much importance to this Amendment himself, but he wanted hon. Members to consider what the effect of it would be. The Bill might frighten a good many timid landlords, but on the other hand the Amendment would give them time to look at it. Having that time they would not be so frightened and would not be inclined to do anything foolish. He thought some of the fears which had been expressed need not have excited hon. Members.

MR. R. PEARCE (Staffordshire, Leek) asked whether the arrangement which had been arrived at contemplated the idea that in the event of a change of Government taking place in the meantime there should be no alteration made in the date at which this enactment would come into force.

Lords Amendment agreed to.

Subsequent Lords Amendments agreed to.

SIR EDWARD STRACHEY moved that a Committee be appointed to draw up reasons to be assigned to the Lords for disagreeing to certain of the Lords Amendments to the Bill.

MR. WALTER LONG wished to express the gratitude which they on that side felt to the Solicitor-General and the hon. Baronet the Member for Somersetshire for the manner in which they had met the Opposition and for the firmness with which they had adhered to the arrangement which had been arrived at.

SIR W. ROBSON thanked the right hon. Gentleman for his appreciation and for the tone which he had adopted throughout the discussions.

Sir Francis Channing.

MR. MORTON said that such arrangements between the two front benches were always dangerous.

Question put, and Committee appointed to draw up reasons to be assigned to the Lords for disagreeing to certain of the Lords Amendments to the Bill.

Committee nominated of—Mr. Alexander Black, Sir Francis Channing, Colonel Kenyon-Slaney, Mr. Long, Mr. Soares, Mr. Solicitor-General, and Sir Edward Strachey.

Three to be the quorum.

To withdraw immediately.—(*Sir Edward Strachey.*)

WORKMEN'S COMPENSATION BILL.

Lords Amendments considered.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. GLADSTONE, Leeds, W.) said that although the list was formidable in appearance the Amendments were in the main of a drafting character approved by the Government. There were but two with which the Government disagreed, one relating to infirm workmen and the other to the provision for applications to the Registrar to refer cases to the medical referee.

The following Lords Amendments were agreed to—

Lords Amendments—

"In page 3, line 14, after the word 'mistake' to insert the words 'absence from the United Kingdom'; in line 18, to leave out the words 'employment abroad' and to insert the words 'absence from the United Kingdom'; in line 23, to leave out the words 'it was sustained' and insert 'the accident happened'; in line 41, to leave out from 'and' to 'and' in page 4, line 2, and insert the words 'that where the scheme provides for contributions by the workmen, the scheme confers benefits at least equivalent to those contributions, in addition to the

benefits to which the workmen would have been entitled under this Act.'"

"In page 4, line 5, to leave out the word 'those' and to insert the word 'his'; line 20, to leave out from the second 'the' to 'or' in line 23, and insert the words 'benefits conferred by any scheme no longer conform to the conditions stated in sub-section (1) of this section.'"

"In page 6, line 5, to leave out from the first 'and' to the end of line 7, and insert the words 'upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer'; line 17, after the word 'exceeding,' to insert the words 'in any individual case'; line 19, to leave out from 'up' to 'and' in line 23; line 23, after the word 'and,' to insert the words 'those Acts and'; line 24, after the word 'accordingly,' to insert the words 'where the compensation is a weekly payment, the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if the employer made an application for that purpose under the First Schedule to this Act.'"

"In page 7, line 27, after the word 'may,' to insert the words 'except where the person injured is the master'; in line 32, after the third 'the,' to insert the word 'master'; in line 33, to leave out the word 'may,' and insert the word 'shall'; in line 36, after the word 'injured,' to insert the word 'master.'"

"In page 8, line 8, after the word 'a,' to insert the word 'master'; in line 17, after the word 'injured,' to insert the word 'master'; in line 35, after the second word 'of,' to insert the word 'masters'; in line 38, to leave out the word 'such.'"

"In page 9, lines 1 to 5, to leave out paragraph (h). In line 9, at end, to insert as a new sub-section:—

'(2) This section shall extend to pilots to whom Part X. of the Merchant Shipping

Act, 1894, applies, as if a pilot when employed on any such ship as aforesaid were a seaman and a member of the crew.'"

"In page 10, line 8, after the word 'furnished,' to insert the words 'or is not sufficient to enable that employer to take proceedings under the next following proviso.'"

"In page 12, line 6, to leave out the words 'one or more' and insert the word 'a'; in line 7, to leave out the word 'schemes,' and insert the words 'company or society,' and to leave out the word 'have,' and to insert the word 'has'; in line 10, to leave out the words 'scheme or in one or other of such schemes,' and insert the words 'company or society'; in lines 10 and 11, to leave out the words 'managers of the scheme consent,' and to insert the words 'company or society consents'; in line 13, to leave out the words 'schemes or in one or other of such schemes,' and to insert the words 'company or society'; in line 15, at end, to insert the words 'where such a company or society has been established, but is confined to employers in any particular locality or of any particular class the Secretary of State may for the purposes of this provision treat the industry, as carried on by employers in that locality or of that class, as a separate industry'; in line 26, after the word 'order,' to insert the word 'provisional order.'"

"In page 13, line 13, to leave out the words 'either party,' and insert the words 'an employer or workman'; in line 24, to leave out the words 'rules of,' and to insert the words 'the rules of the.'"

"In page 14, lines 16 and 17, to leave out the words 'summary conviction,' and insert the words 'conviction under the Summary Jurisdiction Acts.'"

"In page 15, line 25, to leave out from '1894' to the end of the paragraph;

Read a second time, and agreed to.

Lords Amendment—

"In page 19, line 9, after the word 'shillings' to insert the words '(c) In the case of a workman who has in accordance with regulations made by the Secretary of

State obtained from a certifying surgeon a certificate to the effect that on account of old age or the loss of an eye, or a limb, or of any other serious physical infirmity or incapacity specified in the regulations, he is specially liable to serious accident if employed in any employment of any class specified in the certificate, and who has entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable to him under this Act, the compensation if payable in respect of an accident happening to the workman whilst employed in an employment of any such class shall not exceed that maximum, but the maximum shall not be less—

(i.) Where death results from the injury and the workman leaves any dependants, than fifty pounds;

(ii.) Where total or partial incapacity for work results from the injury, than a weekly payment during the incapacity of ten shillings, and," read a second time.

MR. GLADSTONE said he need not go into the history of this Amendment. The question came up in the Standing Committee, and on the discussion in this House he undertook to bring up a clause on Report which should afford the House an opportunity for a free and full discussion of the subject upon its merits. They had a fair discussion upon Report, and he stated certain arguments in favour of the clause which he formally moved. He did not pretend then, and he did not pretend now, to have any strong feeling on the clause, but he had given those who were more closely representative of labour the opportunity of discussing the matter. The case against the proposal was stated with great lucidity by the hon. Member for Glasgow, and, the House deciding against the Amendment, the Government accepted that decision. In consequence of that decision he moved to disagree with the Lords Amendment.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."

MR. HARMOOD - BANNER (Liverpool, Everton) thought that it was

desirable to point out the effect of this proposal. The House of Lords had made an effort against the opinion of this House to continue the employment of aged and infirm workmen. He agreed with the Labour Members that there was a difficulty about retaining this class of men at lower wages, but the position which it was proposed to set up was particularly hard upon the old men, and he would call attention to the fact that in some large railway works in the north recently over ninety-six men had had to leave their employment because of old age, and there was no provision for them. They were turned out into the world without support in consequence of this compensation having to be given. [Cries of "No."] That was what it came to. These old men had no provision made for them. He thought hon. Gentlemen below the gangway should give careful consideration to the case of these men who would be displaced under the stringent regulations to be brought into force. He would be very glad to assist in bringing in such a system of old age pensions as would be satisfactory, but if they disagreed with this Lords Amendment they would throw these old men upon the rates, without any other means of relief from the difficulties, misfortunes, and miseries of a dependent old age.

Question put, and agreed to.

Lords Amendments—

"In page 19, line 10, to leave out the words 'in computing,' and to insert the words 'for the purposes of the provisions of this schedule relating to'; in lines 10 and 11, to leave out the words 'for the purposes of this schedule', and to insert the words 'of a workman'; in lines 12 to 15, leave out Paragraph (a); in lines 16 and 17, to leave out the words 'where the workman was not employed at such a fixed rate of earnings, his'; in line 19, to leave out the word 'he,' and to insert the words 'the workman'; in line 30, to leave out the words 'was engaged under,' and to insert the words 'had entered into concurrent'; in line 31, after the word 'employers,' to insert the words, 'under which he worked at one time for one such employer, and at another time for another such employer.'"

"In page 20, line 12, after the word 'and,' to insert the words, 'to take or prosecute.'"

"In page 21, line 2, after the word 'court,' to insert the words 'or an award'; in line 6, to leave out the word 'further'; in line 7, after the word 'order,' to insert the words 'or the award'; in line 21, after the first 'or,' to insert the words 'subject to regulations of the Treasury;'"

Read a second time, and agreed to.

Lords Amendments—

"In page 22, line 3, to leave out the words 'both parties' and insert the words 'either party,' and to leave out the word 'applicants' and insert the word 'applicant,'" read a second time.

MR. GLADSTONE said the House had on the subject of this Amendment accepted a proposal of the Government by which the original draft of the Bill was altered, and there was something to be said on both sides in this matter. Representations had been made that the feeling of those who spoke for the workmen was against the provision in the Bill as it stood. In consequence of that feeling, the Government put in an Amendment, but it was now proposed to restore the Bill to its former state. He therefore moved that the House should disagree with the Lords Amendment.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."

MR. LAURENCE HARDY (Kent, Ashford) said he did not wish to press the point, because after the decision of the Government it would be practically useless to do so. The House should remember, however, that this was a distinct suggestion of the Departmental Committee.

Question put, and agreed to.

Lords Amendments—

"In page 22, line 19, after the word 'and,' to insert the words 'to take or prosecute;'"

"In page 23, line 3, after the word 'there-to,' to insert the words 'provided that nothing in this paragraph shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum;'; to leave out lines 31 and 32; in line 33, after (1), to insert the words 'For the purpose of settling any matter which under this Act is to be settled by arbitration;'"

"In page 24, line 30, to leave out the word 'or,' and after the word 'arbitrator,' to insert the words 'or Judge of the County Court, subject as respects such Judge and an arbitrator appointed by him to rules of Court;'; in line 43, to leave out from the word 'Court' to 'who' in line 44;'"

"In page 26, line 6, after the word 'unless,' to insert the words 'in either case;'; in lines 13 and 14 to leave out the words 'in which the accident out of which the said matter arose occurred,' and insert the words 'prescribed by rules of Court;'"

"In page 27, lines 2 and 3, to leave out the words 'appoint a medical referee to report on,' and to insert the words 'submit to a medical referee for report;'; in line 14, to leave out (b) and (c), and to insert (d) and (e);"

Read a second time, and agreed to.

Committee appointed to draw up reasons to be assigned to the Lords for disagreeing to certain of the Amendments made by the Lords to the Bill.

Committee nominated of—Mr. Secretary Gladstone, Mr. Herbert Samuel, Mr. Burns, Mr. Barnes, and Mr. Fenwick.

Three to be the quorum.

To withdraw immediately. — (*Mr. Secretary Gladstone.*)

PUBLIC TRUSTEE BILL [LORDS].

As amended, considered.

Drafting Amendment agreed to.

Amendments proposed to the Bill—

"In page 2, line 24, to leave out the words 'an order of the Court' and insert the words 'apply to the Court for an order.'"—(*Sir John Walton.*)

"In page 2, line 29, to leave out the words other than creditors.'"—

"In page 2, line 37, to leave out the word 'shares.'"—

"In page 2, line 27, to leave out the words 'or securities.'"—(*Mr. Micklem.*)

"In page 2, line 5, at end of sub-section (2), to insert the words 'Provided that (a) the public trustee shall not exercise the right of himself transferring the stock without the leave of the Court; and (d) This sub-section shall not apply to any copyhold land forming part of the estate, but the public trustee shall, as respects such land, have the like powers as if he had been appointed by the Court under Section 33 of the Trustee Act, 1893, to convey the land, and Section 34 of that Act shall apply accordingly.'"—(*Sir John Walton.*)

Amendments agreed to.

MR. MICKLEM (Hertfordshire, Watford) moved an Amendment to provide that the transfer of a trust to the public trustee should not occur unless the powers so to transfer were given in the instrument creating the trust. It would be necessary to omit from Clause 4 the words "(c) by the person having power to appoint new trustees." The immediate effect of this proposal would be to introduce an exceedingly important public official with an enormous business, and under it half the trusts of the kingdom might be taken out the hands of the present trustees and handed over to the custodian trustee. The object of this Bill was to introduce the public trustee for certain purposes, and the Government never contemplated the creation of an official with greater powers than any other official in the country. They would not get any beneficiaries who understood the question to accept what was now being proposed. The Bill had been rendered necessary because of various frauds perpetrated by solicitors, but in order to guard against that danger in the future it was not necessary that they should be able to take the whole of the trust property in the country and hand it over to the public trustee whether the ordinary beneficiaries desired it or not. There were many

persons deeply interested in this question. A very common case was that the tenant for life came to the trustees and said, "The investments are realising only 3 per cent. and that is not enough. Will you change the investments and produce 4 per cent." Very often the trustees were satisfied with the investments and refused to change them. Under the clause as it stood the great majority of trusts could be taken at once out of the hands of the trustees and transferred to the public trustee at the mere caprice of some beneficiary. If that were done, the private trustee in nine cases out of ten would decline to act. He ventured to think that it was only common equity that there should be put in the Bill a provision such as he had indicated. He moved an Amendment in regard to this last night, and it was not appreciated by the House [AN HON. MEMBER: Hear hear.] When he said "appreciated" he meant that it was not understood by the House. It was a point of the utmost importance. He begged to move.

MR. HERBERT (Buckinghamshire, Wycombe), in seconding the Amendment, said that one of the important questions here was who should be entitled to appoint new trustees. For example, if the creditor of a trust appointed three trustees, two of whom died after a time, the remaining trustee would have it in his power to appoint a custodian trustee, and if he died, then his executor would be entitled to appoint a new trustee. It was unlikely that this arrangement could be contemplated by the original creation of the trust. He thought that the Amendment was of importance.

Amendment proposed to the Bill—

"In page 3, line 34, to leave out the words 'having power to appoint new trustees' and insert the words 'authorised in that behalf by any instrument creating a trust.'"—(*Mr. Micklem.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

THE ATTORNEY-GENERAL (Sir JOHN WALTON, Leeds, S.) said his hon.

and learned friend had revived a discussion which took place last night, and it was the only discussion in the course of the evening which was followed by a division. The Committee expressed their opinion on the Amendment. He did not think his hon. and learned friend had done justice to the intelligence of the House when he suggested that the proposal was not fully appreciated by those who were present and took part in the debate. There was no intention to force the public trustee as an ordinary trustee upon his co-trustees or upon the beneficiaries. He would merely be the custodian of the property, and he would not meddle with the administration of the trust. The object in view was to ensure the safe custody of the trust fund.

MR. R. PEARCE asked the Attorney-General whether his view was that the clause only applied when there was an actual vacancy existing at the moment.

*MR. RADFORD (Islington, E.) said the Attorney-General had argued against the Amendment on the ground that the public trustee would only be appointed to this office of custodian if there was a vacancy. He submitted that it was clear from the words of sub-section (1), notwithstanding what the hon. and learned Gentleman had said, that the public trustee might be appointed custodian trustee, although the full number of trustees remained at the moment.

Amendment negatived.

Amendment proposed to the Bill—

"In page 3, line 30, to leave out sub-section (a), and insert '(a) the trust property shall be transferred to the custodian trustee as if he were sole trustee, and for that purpose vesting orders may, where necessary, be made

under The Trustee Act, 1893.'"—(Sir John Walton.)

Amendment agreed to.

Drafting Amendment agreed to.

SIR JOHN WALTON said that the public trustee might be committed to investments under a very wide clause in a will, as for instance in a case in which the trustees originally appointed were entitled to invest in any limited liability company. As a safeguard he proposed to insert in Clause 4, after the word "trust," the words "or in any view that involves personal liability, or otherwise."

Amendment proposed to the Bill—

"In page 4, line 21, after the word 'trust' to insert 'or in any view that involves personal liability or otherwise.'"—(Sir John Walton.)

Question, "That those words be there inserted," put, and agreed to.

MR. J. M. HENDERSON (Aberdeenshire, W.) moved to omit the words "income or" from sub-section (e), Clause 4. The object of the custodian trustee was to safeguard the securities of the trust. It was not suggested that he should keep a large system of accounts. It was very much better that all the income should be received and disposed of by the managing trustees, who in the case, for instance, of fifteen or twenty houses would have to deal with all the rates and taxes, and if the income were paid over to the custodian trustee, trouble and expense would be involved. All that was wanted was to prevent fraud, and they all recognised that income had been pretty safe.

MR. HARMOOD-BANNER seconded the Amendment. All that was required

here was to allow the income to be paid to the managing trustee. If they went further they would compel the custodian trustee not only to receive all dividends but to distribute them amongst perhaps eight or ten beneficiaries, which was more than the clause proposed.

Amendment proposed to the Bill—

"In page 4, line 25, to leave out the words 'income or.'"—(*Mr. J. M. Henderson.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

SIR JOHN WALTON said he did not think the state of things contemplated by the mover and seconder of this Amendment would arise. The object of the clause was that primarily the custodian trustee should receive the income and take care of the capital of the estate. But he might sanction an arrangement under which the income could be received by the managing trustee. In the case of a business which had to be carried on he would have nothing to do with the management, and he could sanction an arrangement with the managing trustee who under that arrangement might receive the income and make the distribution and be responsible for the management of the trust. If this Amendment were accepted it would be necessary to recast the clause, which he thought had better be left as it was.

*MR. BERTRAM said the clause now under consideration dealt with the custodian trustee as distinct from the administrative trustee, and directly they brought in the word "income" they dealt with a function of administration instead of a preservation of the

Mr. Harmood-Banner.

trust fund. He would respectfully suggest that the difficulty of the learned Attorney-General as to the recasting of the clause would be got over if the words "income or" were omitted and lower down in the clause the words "there to" were inserted.

Amendment negatived.

MR. MICKLEM said the object of the clause he proposed to move was to protect purchasers, mortgagees, and beneficiaries, and to put them in the same position in regard to the custodian trustee as they would be in regard to funds in Court. He contended that the clause did not sufficiently consider outsiders, persons claiming through beneficiaries. He thought it would be manifest to all who understood the subject that it was right that they should be able to put on the funds of the custodian trustee what in effect was a stop order, so that the funds should not be dealt with by the custodian trustee until notice had been given. He moved.

Amendment proposed to the Bill—

"In page 5, line 18, at the end, to insert the words 'subject to rules under this Act any person claiming as beneficiary purchaser or mortgagee to be interested in any trust property held by the public trustee either alone or jointly shall be entitled to give a notice to the public trustee to operate as regards the trust property in the same manner as a stop order operates upon funds in Court.'"—(*Mr. Micklem.*)

Question proposed, "That those words be there inserted in the Bill."

SIR JOHN WALTON was understood to say that this Amendment was not necessary because it was obvious that what was desired could already be done under the clause.

Question put, and negatived.

Amendment proposed to the Bill—

"In page 5, line 19, after the word 'apply' to insert the words 'in like manner as to the public trustee in the provision of this sub-section shall apply.'"—(*Mr. Micklem.*)

Question proposed, "That those words be there inserted in the Bill."

SIR JOHN WALTON agreed that some words were necessary, and said he had in fact prepared words, but he was not jealous of his own words and would accept the Amendment.

Question put, and agreed to.

*MR. CAVE moved to leave out sub-section (5) of Clause 5. He said that this clause provided that in the case of a trust in which one of the trustees was a person engaged in any profession with power to charge for his services, any one of the beneficiaries under the trust could go to the Court and insist upon having the public trustee joined to that trust. Professional trustees were almost always solicitors, and the main effect of the clause would be that in every case where there was a solicitor trustee with power to charge, any one of the beneficiaries could insist upon having the public trustee appointed as a co-trustee with him. There were several reasons why he objected to this provision. In the first place it conveyed a slur, which ought not to be cast on a great profession because one or two members of it had betrayed their trust.

SIR JOHN WALTON (interrupting): If the hon. Member moves the omission I shall accept it.

Amendment proposed to the Bill—

"In page 6, line 21, to leave out sub-section 5."—(*Mr. Cave.*)

Amendment agreed to.

Drafting Amendments agreed to.

*MR. RADFORD thought that in many places in the country the bank manager would be the natural person to undertake the investigation and audit of trust accounts. The banks of the country were willing to undertake this business, and if the Attorney-General would accept this Amendment, it might make the working of the clause easier. He moved the insertion of the words "bank manager."

MR. MICKLEM seconded.

Amendment proposed to the Bill—

"In page 10, line 17, after the word 'solicitor,' to insert the words 'bank manager.'"—(*Mr. Radford.*)

Question proposed, "That those words be there inserted in the Bill."

SIR JOHN WALTON said he could not accept this Amendment. They were appointing an official, and he must be a man in whom they had the fullest confidence.

Amendment negatived.

MR. MICKLEM moved an Amendment to Clause 14, leaving out all the words of sub-section (5) after the word "shall." Anyone reading the sub-section would see at once that it did not make either a reasonable or a proper provision; in fact, it did not deal with the points raised in the section. He felt sure the Attorney-General would agree that the alteration was made somewhat hastily. His contention was that the Bill as drafted in another place was right. The

audit was quite independent of the public trustee and was provided for between the parties. Obviously the usual rule was that the cost of the application should be paid by the estate, but they had to remember that this was an audit which might be made every twelve months, and it would be unfair to throw upon the estate the cost of an annual audit which ought to be borne by the tenant for life or by those who insisted upon the audit.

MR. BERTRAM formally seconded.

Amendment proposed to the Bill—

"In page 11, line 11, to leave out from the word 'shall,' to the end of line 15, and insert the words 'in default of agreement between the parties be paid by the applicant unless the Court otherwise direct.'"—(*Mr. Micklem.*)

Question proposed, "That the words proposed to be left out stand part of the Bill."

SIR JOHN WALTON thought that, as a rule, the cost of the audit should come out of the estate, although he agreed that there might be exceptional cases. Beneficiaries might consider that in some instances the cost ought to fall upon others, but there was power under which the public trustee could deal with the matter. He could not accept the Amendment.

Amendment negatived.

*MR. RADFORD said he understood that by the word "estate" the Attorney-General meant the capital of the estate. It had already been decided that the word "estate" included the income of the estate. He begged to move the insertion of the words "capital of the."

Mr. Micklem.

Amendment proposed to the Bill—

"In page 11, line 12, after the first word 'the' to insert the words 'capital of the.'"—(*Mr. Radford.*)

Question, "That those words be there inserted," put and negatived.

Amendment proposed to the Bill—

"In page 11, line 37, to leave out the word 'regulating' and insert the word 'prescribing.'"—(*Sir John Walton.*)

Amendment agreed to.

The Report stage of the Bill was concluded.

Motion made, and Question proposed, "That the Bill be now read the third time."

*MR. MICKLEM said he wanted the House to understand that the various Amendments he had moved had been proposed, not so much in his personal capacity, as because there were very large interests outside the House who, while desiring to see a public trustee appointed, were anxious that the Bill should work satisfactorily and well for all parties. He complimented the Attorney-General upon having conducted the Bill through the House with the utmost skill and discretion. There were, however, one or two points in the Bill to which attention should be drawn when it went up to the House of Lords. In the Bill as it stood now there was, for instance, an omission of the gravest moment in regard to Clause 7. The public must be satisfied that there was a Government guarantee for all acts of the public trustee. The clause ought to make provision for the guarantee of the Consolidated Fund in every case in which the public trustee acted. There was another point which was

quite alien to the general scope of the Bill, and it seemed to him that it would be monstrous if at the end of the session, when the Bill had just been reprinted, they should introduce a sub-section which provided that any person interested, possibly a mere executor, could divert a trust estate from the trustees and hand it over to the custodian trustee. That was inconsistent with the other provisions of the Bill, and it would upset the common practice of the country. The Attorney-General had suggested that that could only be done if a vacancy occurred, but he maintained that if the Bill passed as it now stood it would be possible for the whole of the trust funds of the country to be handed over to the custodian trustee. He hoped that the Attorney-General would take care that these two matters were remedied when the Bill went to another place.

SIR HOWARD VINCENT (Sheffield, Central) thought that the Bill would do a great deal of good, but he would remind hon. Members that it was a purely voluntary Act. No one need employ the public trustee unless he liked. He wished to express his great acknowledgment to the Government and the hon. and learned Attorney-General for the great pains they had taken to pass the Bill, which was in no sense a Party measure.

*MR. R. PEARCE said he wanted to protest against the Third Reading of the Bill on the ground that it was inopportune to set up a public department which would cost a considerable amount of money in order to manage private property. He did not think the right remedy had been provided in the Bill. He agreed that there were

frauds by trustees, but these could be punished by the criminal law. In his opinion the proper method of dealing with private trusts was contained in the Amendments enabling the beneficiaries to manage their estates, which he had put on the Paper, but which were declared to be outside the scope of the Bill.

SIR JOHN WALTON said he wished to acknowledge the kind references made to himself. He congratulated the House upon the good humour and fair-minded spirit in which the discussion upon a highly technical subject had been conducted. The result was that the Bill had been put into a business-like shape. He ought also to say that the House was indebted to the hon. and gallant Member for Sheffield for the attention he had drawn to the subject in previous years, and he hoped that the hon. and gallant Gentleman's expectations would be realised, and the forebodings of the hon. Member for Leek falsified.

Question put, and agreed to.

Bill read the third time, and passed, with Amendments.

NOTICE OF ACCIDENTS BILL. Lords Amendments considered.

Lords Amendments—

"In page 3, line 29, after the word 'workshop,' to insert the words 'including any place which for the purpose of the provisions of the Factory and Workshop Act, 1901, with respect to accidents is a factory or workshop, or is included in the word 'factory' or 'workshop,' or is part of a factory or workshop;'"

"In page 4, line 9, after the word 'seven,' to insert the words 'but the Secretary of State may appoint a later date (not being later than the first day of January one thousand nine hundred and eight), for any special provision of the Act to come into operation, and if a later date is so appointed, that special provision shall not come into operation until that later date.'"

Read a second time.

*THE UNDER - SECRETARY OF STATE FOR THE HOME DEPARTMENT (Mr. HERBERT SAMUEL, Yorkshire, Cleveland) said that both the Amendments had been inserted in the House of Lords at the instance of the Government. They raised no point of substance, and he moved that this House agree.

Question, "That this House doth agree with the Lords in the said Amendments," put, and agreed to.

LAND TAX COMMISSIONERS BILL.

Lords Amendment to be considered forthwith; considered, and agreed to.

EXPIRING LAWS CONTINUANCE BILL.

Lords Amendments to be considered forthwith; considered, and agreed to.

TOWN TENANTS (IRELAND) BILL.

Lords Amendment, in lieu of Lords Amendment disagreed to by this House, to be considered forthwith; considered, and agreed to.

MESSAGE FROM THE LORDS.

That they have agreed to—Amendment to Amendment to Merchant Shipping Acts Amendment (No. 2) Bill, without Amendment.

Removal of Offensive Matter Bill, Census of Production Bill, without Amendment.

Education (Provision of Meals) Bill, with Amendments.

EDUCATION (PROVISION OF MEALS) BILL.

Lords Amendments to be considered To-morrow, and to be printed. [Bill 383.]

LAND TENURE BILL.

Reason for disagreeing to certain of the Lords Amendments to the Bill reported, and agreed to.

To be communicated to the Lords.—
(*Sir Edward Strachey.*)

WORKMEN'S COMPENSATION BILL.

Reason for disagreeing to certain of Lords Amendments to the Bill reported, and agreed to.

To be communicated to the Lords.—
(*Mr. Secretary Gladstone.*)

Whereupon Mr. DEPUTY SPEAKER adjourned the House without Question put, pursuant to the Resolution of the House of the 4th August last.

The House adjourned at ten minutes past Eleven o'clock.

HOUSE OF LORDS.

Friday, 21st December, 1906.

PETITIONS.

EDUCATION.

Petitions in favour of denominational religious teaching in schools; of parents and guardians of children attending school in Rochdale; and teachers in public elementary schools (signing); read, and ordered to lie on the Table.

RETURNS, REPORTS, ETC.

PAWNBROKERS (IRELAND).

Returns from the City Marshal of Dublin for the year 1905: Laid before the House (pursuant to Act),* and ordered to lie on the Table.

NATIONAL GALLERIES OF SCOTLAND BILL.

Read 3^a (according to order), and passed.

PUBLIC TRUSTEE BILL [H.L.].

Commons Amendments considered (according to order).

THE LORD CHANCELLOR (Lord LOREBURN): My Lords, a number of Amendments have been made by the Commons in the Public Trustee Bill, an old friend of your Lordships, which received the assent of this House at an earlier period of the session. The Amendments are all of a technical kind, and they do not, I think, involve any matter of principle. I therefore move that your Lordships agree with the Commons in all their Amendments.

Moved, "That this House do agree with the Commons Amendments."—
(Lord Loreburn.)

On Question, Motion agreed to.

WORKMEN'S COMPENSATION BILL.

Commons reasons for disagreeing to certain of the Lords Amendments considered (according to order).

VOL. CLXVII. [FOURTH SERIES.]

EARL BEAUCHAMP: My Lords, the first of your Lordships' Amendments to which the Commons disagree concerns elderly workmen. It is—

"In page 19, line 9, after 'shillings' to insert the words: (c) in the case of a workman who has in accordance with regulations made by the Secretary of State obtained from a certifying surgeon a certificate to the effect that on account of old age or the loss of an eye, or a limb, or of any other serious physical infirmity or incapacity specified in the regulations, he is specially liable to serious accident if employed in any employment of any class specified in the certificate, and who has entered into an agreement in writing with his employer as to the maximum amount of compensation to be payable to him under this Act, the compensation if payable in respect of an accident happening to the workman whilst employed in an employment of any such class shall not exceed that maximum, but the maximum shall not be less—

(i) where death results from the injury and the workman leaves any dependants, than fifty pounds;

(ii) Where total or partial incapacity for work results from the injury, than a weekly payment during the incapacity, of ten shillings; and

The Commons disagree to this Amendment because they consider that the same scales of compensation should be applicable to all workmen without distinction. I had an opportunity during the Committee stage of explaining to your Lordships what was the position with regard to this. Perhaps I might very briefly remind your Lordships that this was a question which was left quite an open one in another place. On that occasion some members of the Cabinet were found voting in favour and some against. Your Lordships decided to insert the Amendment. In this House His Majesty's Government stated that they wished to do exactly as they did in the other House, namely, leave it an open question. We did not divide upon it, and the Amendment was therefore made without actually testing the opinion of your Lordships by a division. The reason given by the Commons for disagreeing with the Amendment is one in regard to which those Members who specially represent labour take a very strong view. I understand that they have from the beginning taken a very strong line with regard to the inclusion in the Bill of all workmen without distinction. I hope, therefore, your Lordships will not insist on the Amendment.

Moved, "That this House do not insist on the said Amendment." — (*Earl Beauchamp.*)

THE MARQUESS OF LANSDOWNE: My Lords, these Amendments seem to us on this side of the House to have been thoroughly reasonable ones, but I do not think anything will be gained by prolonging the discussion of this matter. We do not think them of sufficient importance to justify us in further delaying the progress of the Bill. We shall, therefore, not oppose the noble Earl's Motion.

LORD BALFOUR OF BURLEIGH: My Lords, I agree with the noble Marquess who has just sat down that on the whole the Amendments are not of sufficient importance to imperil the measure, but I none the less very deeply regret the decision to which the other House of Parliament has come in this matter. I am sure it is not in the interest of the old men themselves, and that it will accentuate and make more general the reluctance of employers all over the country to keep on the old hands. I do not speak on this occasion from the point of view of an employer of labour, though, as your Lordships know, I am a director of a railway company and interested in other undertakings of the kind. For two or three years I have been greatly interested in the management of the Scottish Corporation, which deals with the case of aged Scotsmen who have been for years employed in London; and it has been our continuing experience for the last few years that our old fellow countrymen are being excluded from employment partly on the ground of the danger of claims being made under the compensation law. In times of depression men who are advanced in life are the first to be discharged, and when these men are once discharged it is getting increasingly difficult to find new places for them. It is past our power to insist on this Amendment, but I hope your Lordships will not be blind to the fact that the provision in the Bill as it stands will make it more and more difficult to get these men retained in their employment or to secure for them new places when through no fault of their own they are discharged.

LORD STALBRIDGE: My Lords, I deeply regret the action of the House of Commons in refusing this Amendment, which was inserted almost unanimously by the House of Lords. I believe the only opponent here was the noble Earl in charge of the Bill, and I am quite certain that in a few minutes' conversation with him I could convince him that the Lords were right on this point. I bow submissively to the action of our Leader on this side when he expresses the opinion that we should not insist upon our Amendment, so as not to endanger the passing of the Bill. It may be said that I speak as a large employer of labour. That is quite true; but those who will be hit hardest are the aged men employed by smaller manufacturers. We have always done everything in our power to find places for those who were incapacitated by accident, old age, or infirmity, and it is possible for us sometimes to do it. I need hardly say that we shall not go back on that; but it must always have a deterrent effect to have large sums hanging over one's head for men who are more liable to accident for the reasons stated. It is, however, on the employees of smaller manufacturers that the refusal of this Amendment will fall most heavily; and it is in the interests of the men themselves much more than of the masters that I regret that the House of Commons have taken this view on the subject.

THE EARL OF CAMPERDOWN: My Lords, I greatly regret that the Government on this occasion have taken the line of asking your Lordships not to insist on your Amendment. Here is a contract which in itself is perfectly innocent, perfectly natural, and which constitutes one of the safeguards which old men have. By asking your Lordships to strike out this Amendment the Government are signing the death warrant of a great many of these old men. I hope it will be understood in the country generally to whose action it is due that so many of these men will be thrown out of employment. We know perfectly well from whom this proceeds. The noble Earl in charge of the Bill told us that it proceeds from the Labour Party in the other House. The Labour Party presumably

fear that if the Amendment were inserted it would have some prejudicial effect upon wages. It must be some reason of that sort which has actuated them. Unfortunately this Government are particularly amenable to the influence of the Labour Party. On the previous occasion the Government were divided, but apparently when this Amendment was sent down to the House of Commons the Government made up their minds to throw in their fate with the Labour Party. If ever there was an innocent contract, one that was right, just, wise, and expedient, it is this contract. I do not think any of the noble Lords opposite really believe that such a contract ought to be forbidden. Under His Majesty's Government this country is becoming very much like a foreign railway station—everything is forbidden; and if they will forbid a contract of this sort, then it seems to me there is no contract which may not be forbidden. I regret very much the decision at which His Majesty's Government have arrived.

On Question, Motion agreed to.

EARL BEAUCHAMP: My Lords, the second Amendment inserted by your Lordships to which the Commons disagree is a much less important one—

“In page 22, line 3, to leave out the words “both parties” and insert the words “either party,” and to leave out the word “applicant” and insert the word “applicants.”

The Commons disagree to this Amendment because they consider that it is inexpedient that one party without the consent of the other party should have the power of constituting the medical referee sole arbitrator as respects any matter, in the place of the court of arbitration prescribed by the Bill. We have already discussed the point and divided upon it in Committee. I will therefore not say any more in the circumstances, but will move that this House do not insist on their Amendment.

Moved, “That the House do not insist on the said Amendment.” — (*Earl Beauchamp.*)

On Question, Motion agreed to.

LAND TENURE BILL, NOW AGRICULTURAL HOLDINGS BILL.

Order of the Day, for the consideration of the Commons Amendments to the Lords Amendments, and the reasons for disagreeing to certain of the Lords' Amendments, read.

THE PRESIDENT OF THE BOARD OF AGRICULTURE AND FISHERIES (*Earl CARRINGTON*): My Lords, before I move that the House proceed with the consideration of the Commons Amendments to the Lords Amendments and their reasons for disagreement I would ask the indulgence of the House for one or two minutes on a personal matter. I hope I may be permitted to express to your Lordships my thanks for the consideration, patience, and courtesy which have been shown to me throughout the negotiations connected with this Bill. I acknowledge that the House considered this Bill, as originally introduced, distasteful. I also acknowledge that it created some alarm among a small minority of your Lordships' House, who regarded it as dangerous and revolutionary. In thanking your Lordships for the way in which you have treated me I hope I may say that I have tried to play my part with my cards on the table, and if I have said anything in any way to irritate or annoy, I beg your Lordships to believe that it was done by accident and not by design.

I hope I may also claim that my colleague who had charge of the Bill in another place has tried to do his duty in the same way. That he succeeded is shown by the fact that when the Bill was read a Third Time in the House of Commons no division of any sort was claimed. The Bill then came up to your Lordships' House, and you were good enough to give it a Second Reading without a Division. It was generously acknowledged by noble Lords opposite that every effort had been made in the other House to meet legitimate criticism, and in Committee in this House the only clause proposed to be left out was the absolutely new proposal providing for compensation for disturbance. A Motion was made to omit that clause, but only eighteen members of your Lordships' House voted for its omission; so that I think I may fairly claim that there has been in this House a recognition

of the principle of the Bill, and also, what is very important, of the main clauses of the Bill.

I will now briefly narrate what happened in the other House last night. A Motion was made—perhaps it was not unexpected—in one quarter to reject your Lordships' Amendments *en bloc*. But that Motion was not entertained by the House, and at the Government's desire the House of Commons at once settled down to consider your Lordships' Amendments *seriatim* and to see what could be fairly and legitimately accepted. The Government indicated, and the indication is on this Paper, what Amendments they could not accept. I will read to your Lordships what Mr. Long, the acting Leader of the Opposition, said :—

"The Opposition had no desire, at this stage of the session, to contest the course which the Government proposed to take in regard to the Lords' Amendments. For himself, he still held the opinion, which he had expressed on the Third Reading, that the Bill was a fair and reasonable compromise between those who represented the various interests in land, and that as it left the House of Commons there was nothing in it of which any reasonable person need be afraid. He thought the course that was proposed by His Majesty's Government was fair, and one that need not meet with persistent opposition."

There was one Amendment postponing the date of the coming into force of this Bill till 1909. I gave a distinct pledge in this House that I thought that was fair. I was very much impressed with Lord St. Aldwyn's arguments on that point, and I gave a direct pledge to the House that that should be the date for its coming into force if it pleased your Lordships to pass the Bill. It is an open secret that that pledge of mine was not at all acceptable to my Radical supporters in another place. They kicked violently at the proposal, but they recognised that an Englishman's word is his bond. I have said that, having given the pledge, nothing on earth would induce me to go back upon it. They fully accepted it, and I am very grateful to them for having supported me. But they do look upon it as a very great concession, and I quite acknowledge that it is. I am very grateful to them for that concession, and I hope your Lordships will accept the two or three Amendments on the Paper as a sort of return for that concession. I

Earl Carrington.

beg to move that the House do now consider the Commons Amendments and reasons.

Moved, "That the Commons Amendments to the Lords Amendments and the reasons for disagreeing to certain of the Lords Amendments be now considered."
—(*Earl Carrington.*)

LORD BALFOUR OF BURLEIGH :
My Lords, I agree entirely with the noble Earl that the other House went through our Amendments and that nothing can be legitimately complained of as a matter of form, but this House has not got so much in detail as it ought to have done. I say that more particularly with reference to that part of the Bill in which I am personally interested—namely, those clauses which I think are unfair to our Scottish system. The noble Earl talked about the language that had been used in regard to this Bill, and he said it had been described as dangerous and revolutionary. I have never used that language about it. If I had thought that, I should have moved to reject it on Second Reading. What I have said about it is that I think it is unfair, and, if the noble Earl will allow me to say so, I regard it in its application to Scotland as quite exceptionally stupid.

The noble Earl has made a great point of the concession of the date 1909. So far as Scotland is concerned it is not of the slightest value ; it does not touch the question of leases. It is, I believe, of use to those whose land is let in yearly tenancies, and I am very glad that they should have it. When the noble Lord talks about his word being his bond I must remind him that this was a concession accepted by him and promised to the House. If I understand the proceedings in another place rightly, the noble Earl is accurate in saying that his Radical followers, of whom he seems to stand in considerable awe, only accepted that concession on condition that the noble Earl succeeded in inducing this House to give up three or four things to which they attach considerable value. The acceptance of a proposal in this House by a Cabinet Minister ought to be a pledge by itself, and ought not afterwards to be bartered away in exchange

for three or four things which we are asked to swallow, but which we very much dislike. I put that point in all seriousness, and I think it is a perfectly fair one.

The issue before us is practically whether we will accept all that the House of Commons have done or run the risk of losing the Bill. That is really the issue. There are two or three things in the Bill as it now comes back to us of which I most seriously complain. It applies conditions quite unnecessarily, as I think, to existing contracts. The noble Earl has said that the great majority of tenant farmers are in favour of the Bill. I will not profess to speak for England, but I can assure him, from my knowledge of Scotland, that in Scotland, at any rate, there are not 10 per cent. of the farmers who care twopence for the Bill, and that those who do care about it and know about it are rather inclined to be actively hostile to it in its present form. The application of this measure to existing contracts is, in my opinion, utterly immoral and indefensible. I cannot help it, but I make that protest. I venture to say that if this Bill had been brought in for Scotland alone or with any care for the interests of Scotland, such a clause as that would never have found the slightest acceptance by any practical man. I wish to point out the utter folly of dealing with England and Scotland, their customs being so different, in one Bill.

The proceedings of last night intensify my feeling that we agriculturists in Scotland have been treated in this matter with needless carelessness and almost with injustice. This is due to the Government's taking up private Bills for the inception of which they are not responsible, and which were never intended to apply to Scotland. The situation in the present case has arisen on account of the absolute ignorance of the President of the Board of Agriculture of our Scottish conditions and the supineness of the Scottish Members of the Cabinet. I take some blame to myself, but I was misled by the speech of the noble Earl in Edinburgh on October 10th. I knew all the time—every one of us must have known—that this Bill was utterly unsuited to Scotland as it then stood. That fact was brought to the knowledge

of the noble Earl when he was in Edinburgh in October. He acknowledged it and in distinct terms promised us a Scottish application clause. Here are his words—

“I would also remind you that the Solicitor General for Scotland, who has given me valued assistance, expresses the opinion that it would not be difficult to adapt the Bill to Scottish procedure, and that this could readily be done by means of an application clause which might be added to the Bill.

I venture to say that a fair interpretation of that speech is that the noble Earl had been convinced by his visit to Scotland and to Scottish tenant farmers that this Bill as it stood was not suitable to Scottish procedure, and that he intended when he returned to London to see whether he could not, before the Bill came up to this House, apply it to Scotland in such a way as to do us less damage.

There are points of difference, as everybody knows, both in procedure and matters of law and in matters of custom, which it is of the utmost importance should be preserved according to the wishes and desires of the two countries respectively. I would have preferred a Scottish Bill altogether, but if the Government, after adopting this Bill, had applied their minds in good time to drafting a Scottish application clause the whole thing could have been got through with much less difficulty. At the last moment there was placed upon your Lordships' Paper a clause specially referring to Scotland, which was afterwards withdrawn, and was subsequently taken up by the noble Earl in charge of the Bill. The application of the ground game provisions to Scotland is felt to be a grievance by many tenant farmers. I think if it had been limited to some of the larger holdings, the hill holdings and so on, there would have been a case for it. I thought it was too much to ask this House to put in a limited Scottish application clause of that kind when we were being so much injured by the other clauses not specially applying to Scotland, and on that ground I opposed it.

I would contrast the position in which we are placed with that of our friends from Ireland. The Town Tenants Bill was an Irish Bill; it was discussed

according to Irish circumstances and amended to suit Irish circumstances, with the result that it has become law. I think that, on the whole, a fair compromise was arrived at. But, so far as Scotland is concerned in regard to this Bill, we have hardly got one thing. With the exception of the provision which I myself moved relating to arable and pasture land, the Bill will do nothing but harm to Scottish custom and procedure. I am glad to think that agricultural associations are being rapidly formed in Scotland. These associations embrace both landlords and tenants. I hope they will live and thrive and prosper, and that through their instrumentality pressure will be brought to bear on Parliament in the near future to amend the worse points of the Bill as applying to Scotland. Believing that, I am not desirous of contesting any of the Amendments which have come up from another place. I think the way in which we have been treated in this matter ought to be a lesson to us and to Governments not to attempt to deal with the two countries, in matters in which their custom and practice are so diverse, within the scope of one Bill.

THE LORD PRIVY SEAL (The Marquess of RIPON): My Lords, as my noble friend behind me cannot speak again on this question, and as my noble friend who has just sat down seems to be inclined to impugn the good faith of my noble friend, I feel bound to say that I cannot agree with that view. Generally it is undoubtedly correct that a Government which accepts Amendments in this House should adhere to those Amendments, but if the other House rejects the Amendments, and if the Bill is likely to be lost, it is only reasonably good management—

THE MARQUESS OF SALISBURY: Did the Government support these Amendments in another place?

THE MARQUESS OF RIPON: I was not present when they were dealt with, and I have been a good deal engaged lately and have not had time to read the discussion on the subject. Whatever may have happened in this respect, I think that the Government are perfectly right in not asking your Lordships

Lord Balfour of Burleigh.

to insist upon Amendments insistence upon which would lead to the rejection of the Bill altogether. If the rule referred to were pushed to its most extreme application it would prevent the Government from ever accepting any Amendments in this House. If the principle is pressed to the extent my noble friend has pressed it I shall be greatly disinclined to recommend my noble friends who may be in charge of Bills in this House ever to accept any Amendment which your Lordships may submit.

I will not follow my noble friend in his main observations, because, if he will forgive me for saying so, I think he wandered beyond the real subject of discussion. The Motion we are discussing is that the Commons Amendments be considered, and anything beyond the consideration of those Amendments lies outside the matter with which the House is at present engaged. But there is one point upon which I should like to say a word. My noble friend on this occasion and on former occasions has alluded to certain Amendments which were put down on the paper by Lord Hamilton of Dalzell, afterwards withdrawn, and subsequently taken up by my noble friend behind me. I am the guilty person in that case. I am, I confess, a bit of a martinet about the proceedings of members of the Government, and I thought, and I think still, that it is not a correct proceeding that any member of the Government except the member in charge of the Bill should put down Amendments upon a Government Bill. Therefore I counselled Lord Hamilton to withdraw those Amendments from the Paper. There was nothing in the least mysterious about that; there was nothing in it which implied any sinister intention on the part of the Government one way or the other.

THE DUKE OF NORTHUMBERLAND: My Lords, I hesitate very much to call in question any *dictum* of the noble Marquess who has just sat down as to what is and what is not orderly in debate, but I must protest against any attempt to limit the scope of this discussion to the question of considering not one or other of the Commons Amendments but whether we should consider them at all, which is now the question before the House. On the

question whether or not we should consider the Commons Amendments I conceive that we have a perfect right to consider whether the character of the Bill generally is one which makes it worth while to accept those Amendments.

THE MARQUESS OF RIPON: I did not contest that. All I said was that you should consider the Commons Amendments and not other parts of the Bill. Noble Lords should confine themselves to the points within those Amendments.

THE DUKE OF NORTHUMBERLAND: I venture to think that the character of the Bill generally enters into the question whether the Commons Amendments are worth considering or not. I do not, however, wish to contest further the *dictum* of the noble Marquess. But I must call attention to the remarkable statement which the noble Earl made at the opening of his remarks. What a wonderful Government we have! The strongest Government of modern times; it came in with a majority in the House of Commons absolutely unprecedented. Yet we have the Minister for Agriculture wringing his hands over the unruly behaviour of the Labour members; and the noble Marquess the Leader of this House now tells your Lordships that it is quite impossible to control this majority even so far as to get them to back up one of their Cabinet Ministers in the pledges he has made. The pledge which the noble Earl the President of the Board of Agriculture gave us was more or less in the nature of a bargain. We tried to amend this Bill so as to make it satisfactory.

Allow me to say this, in passing, that when the noble Earl takes credit for having prevented the House of Commons sending back this Bill as it came from their House and rejecting all our Amendments *en bloc*, he forgets that a considerable part, I think the majority, of those Amendments were his own. I do not mean to say that some of those Amendments were not brought forward in deference to suggestions from this side of the House, but a great many of them were necessitated in consequence of the extraordinary state in which the Bill came up to this House. I maintain that

the Government would have stultified themselves for all time if they had allowed the Bill to become law in the state in which it left the House of Commons. Therefore I cannot consider that the Government are entitled to much credit for having resisted a proposal to reject our Amendments *en bloc*.

Let me revert to what I was saying a moment ago. The noble Earl gave us certain pledges. He said that if we would not insist upon certain Amendments, he would, on the other hand, agree to certain concessions. That was a bargain—a matter of political honour between one side of the House and the other. Then when the Bill went down to the other House negotiations took place between the noble Earl and his own supporters. Now the noble Earl comes to your Lordships and says—"We are not going to give you all that we promised. Having induced you to give up your side of the case we are going to withdraw from our part of the bargain." That is not fair play. If the Government are really going to do that, then they must come to this honest confession—that they are a miserable weak head with an unruly tail, and, therefore, they are no Government at all. If they take up that attitude then let the country clearly understand what sort of Government it has at the head of its affairs.

I do not agree with Lord Balfour of Burleigh that the stupidity of this measure is confined to Scotland. I venture to say that no Bill could have been brought forward dealing with agricultural holdings which would bring so much unpopularity upon His Majesty's Ministers as this measure will when it gets into working order. Every tenant farmer in the country will realise it presently. The Government at present do not appreciate the effect of their own measure, and, judging from yesterday's discussion in the House of Commons, there are only a few Members there who understand it. I believe that the action which we are now taking in protesting against the hurried passage of such measures as this is one which will redound to the credit of the House of Lords. I hope that noble Lords and others throughout the country will take care

that the people of England shall understand upon whose shoulders rests the responsibility for such miserably bad legislation.

THE LORD PRESIDENT OF THE COUNCIL (The Earl of CREWE): My Lords, I do not propose to touch upon the latter part of the noble Duke's speech dealing with the merits of the Bill as an amendment of our agricultural holdings legislation, but I do desire to say one word on the earlier part of his speech, which dealt with the character of the pledges given by my noble friend in this House and the treatment of the Bill in the House of Commons. I do not think it is possible for noble Lords opposite to maintain that my noble friend the President of the Board of Agriculture has in any way fallen short of the pledges he has given to the House.

LORD SALTOUN: The application to Scotland.

*THE EARL OF CREWE: I will deal with that in a moment. What the Opposition appear to expect is that when a Minister gives a pledge that he will accept a particular proposal, that pledge is to be taken singly and without reference to the rest of the Bill. I can only repeat what my noble friend the Leader of the House, said that if that were so it would make it impossible for any Government who were in a minority in this House to enter into any kind of bargain at all. Placed as we are in this minority, it is perfectly obvious that all bargains must have reference to what takes place in both Houses. Perhaps I may claim to know something, from the events of the last few weeks, about bargaining, and it is perfectly evident that it is impossible for the Government, being in a minority in this House, to make a pledge on a particular clause without its being regarded in another place as forming part of an ultimate bargain effecting the whole measure.

THE DUKE OF NORTHUMBERLAND: Why?

*THE EARL OF CREWE: Noble Lords opposite are in a different position from us. They never have to make these

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bargains at all. When they are in office the whole matter is for them perfectly simple. When you have a majority in both Houses the process of bargaining never takes place at all, and therefore I am inclined to think that the criticism upon our action in this matter from noble Lords opposite is, at any rate, founded on no kind of experience. They have not experienced the extreme difficulty of carrying measures through this House in the position in which we are placed owing to the permanent majority of noble Lords opposite. I repeat that if the theory of Lord Balfour, enforced by the noble Duke, were to be carried out to its full extent, the result would simply be that we should never be able to give a distinct pledge to accept any proposal which noble Lords opposite might choose to make.

LORD SALTOUN: Will the noble Earl give me the explanation for which I asked? I refer to the application to Scotland.

THE EARL OF CREWE: I must leave that to my noble friend. I have no knowledge of Scottish customs and procedure.

LORD SALTOUN: When I interrupted the noble Earl he said he would deal with that point in a moment.

THE EARL OF CREWE: I said so inadvertently. I have no knowledge of the particular circumstances, and must leave the matter to my noble friend.

THE MARQUESS OF LANSDOWNE: My Lords, I think there is, perhaps, some convenience in a general discussion such as that which has been going on, and I therefore propose, before the Question is put, to add one or two very short observations to those which have already been made. The whole of these Amendments are more or less inter-dependent, and it is quite impossible to discuss three or four points involved without being naturally led to the consideration of other points as well. I observed that the noble Earl the President of the Board of Agriculture took credit to his friends in the House of Commons that they did

not reject our Amendments *en bloc*. As fifty-five out of seventy-one Amendments were inserted by His Majesty's Ministers themselves—to say nothing of twelve other Amendments to which they consented—I think it is straining the imagination a good deal to conceive that the whole of the Amendments should have been dealt with in that summary fashion. I readily admit that this Bill has been considerably changed for the better in its passage through the two Houses. Some people have applied to it the epithet “revolutionary.” I do not know that that is the exact epithet I should have chosen. I think I should have been inclined to summarise the Parliamentary history of the Bill by saying that its origin was somewhat obscure, that its youth was erratic and tempestuous, and that its advanced age has manifested some of the characteristics of advanced age—that it is feeble and comparatively toothless.

With regard to the Amendments before the House, I am disposed to agree with my noble friend, Lord Balfour, in thinking that it is not necessary to do more than enter a strong protest against the first three Amendments. But something more requires to be said with respect to what we have been told by the President of the Board of Agriculture, in regard to the kind of bargain to which he asks us to be parties, as to the retention in the eleventh clause of the substituted date of 1909. That Amendment was accepted by the noble Earl, and, with all the emphasis which a Minister could possibly use, he pledged himself to its retention. The Amendment was, I understand, supported by His Majesty's Government in the House of Commons and carried by them in the face of a certain amount of opposition from their supporters. Surely that is a self-contained, complete transaction. Now for the fulfilment of that pledge of the noble Earl we are asked to pay a price—the price being the abandonment of certain Amendments to which some of your Lordships attach great importance.

I should like some further explanation of the rejection of the Amendment which provided that questions arising under Clause 4 as to whether a landlord acted without good and sufficient cause, or for

reasons inconsistent with good estate management, should be deemed, for the purposes of the provisions of arbitration, to be a question of law. I understand that this proposal originally emanated from the Bench opposite, and that if it is omitted we shall have to fall back on the Agricultural Holdings Act of 1900, under which it is left optional to the arbitrator to state a case. The object of the Amendment was to declare that those questions which are sometimes questions of fact, sometimes questions of law, and at other times questions of fact and law mixed, should be deemed to be questions of law, and so to give the right to require a case to be stated, thus providing for an appeal. That is regarded as a valuable safeguard with which we are loth to part, and I would like to have some assurance from the noble and learned Lord on the Woolsack on this question.

I do not want to make a Second Reading speech on this occasion, but I do desire in half-a-dozen words to express my entire concurrence with what has been said by a noble friend behind him as to the unwisdom of gratuitously disturbing the relations of landlord and tenant in this country by this kind of legislation. Many of those by whom this legislation is recommended are wholly unaware of the exceptionally advantageous position which the occupiers of land in this country hold. I do not believe that in any part of the civilised world a man who is not the owner but the occupier of the land occupies it under such favourable conditions. Noble Lords opposite are no doubt sincere in their desire that we should not by a stroke of the pen create dual ownership in England. [“Hear, hear.”] I am glad of that cheer. We are, then, to deal with these people as occupiers, and their position as occupiers is more advantageous than that of any other class of tenant farmers in any other part of the world. They have security of tenure. The greater part of their capital is supplied by their partner, the landlord. When times are bad he assists them in bearing the brunt and shelters them from risks from which no other persons in their position are sheltered. To my mind this interference with that state of things is an unwise one. I do not believe it is desired by the farmers of this country.

I do not believe it will improve the relations between landlord and tenant, nor do I for an instant believe it will do anything to improve agriculture in these islands.

THE LORD CHANCELLOR: In reference to the point upon which the noble Marquess has asked my opinion, I may say that the object the Government have in view is only to avoid appeals on questions of fact. Under the Agricultural Holdings Act there is a provision that by the direction of the County Court Judge or by the will of the arbitrator any question of law may be left in the form of a special case. But that is merely a question of law. The universal practice in arbitrations is for the arbitrator to find on facts without an appeal. Of course, if he is corrupt, or does not hear the parties, or there is something irregular in the process, the Court may interfere; but if he is honest and fair his finding on fact is always taken. Your Lordships have by your Amendment said that the questions of fact specified therein should be regarded as if they were questions of law. The only effect of striking out the sub-section will be to leave these questions of fact to the final determination of the arbitrator.

On Question, Motion agreed to.

EARL CARRINGTON: I move that your Lordships agree with an Amendment to your Amendment on Clause 1. Your Amendment was—

“In Clause 1, page 2, line 6, after ‘1900’ to insert the words ‘and any sum awarded by such arbitrator to be paid, shall be recoverable in manner provided by the Agricultural Holdings (England) Acts, 1883 to 1900, or the Agricultural Holdings (Scotland) Acts, 1883 to 1900, for the recovery of compensation. Provided that nothing in this section shall interfere with or prevent any contract or agreement between the landlord and tenant for an outgoing or other valuation.’”

The Commons amend this Amendment by leaving out from the word “compensation” to the end of the Amendment. This is done on the advice of the Solicitor-General, and I move that your Lordships agree.

The Marquess of Lansdowne.

Moved, “That this House do agree with the Commons Amendment to the Lords Amendment.”—(*Earl Carrington.*)

THE EARL OF CAMPERDOWN: I would remind the House that the noble Earl the President of the Board of Agriculture accepted the proviso in question and expressed the opinion that it was an improvement. I would like to ask why does he not think it an improvement now. Can he assure us that the clause will have the same effect without this proviso? Unless that is so I think the proposed Amendment is a great mistake and that it will do a great deal of harm.

EARL CARRINGTON: The only answer I can give is that the Solicitor-General has advised the omission of these words.

THE EARL OF CAMPERDOWN: Perhaps I did not make my question clear. It is this—Has the Solicitor-General given it as his opinion that without this proviso the clause does not interfere with valuations?

EARL CARRINGTON: I believe that is so.

On Question, Motion agreed to.

EARL CARRINGTON: The next of your Lordships’ Amendments which the Commons have amended is the following—

“In Clause 2, page 2, line 19, to leave out the words ‘intention to make a claim for compensation’ and to insert the words ‘the damage.’”

The Commons amend this Amendment by omitting the words, “the damage.” This is also an Amendment suggested by the Solicitor-General. The provision will then read—

“But no compensation shall be recoverable under this section unless notice in writing is given to the landlord.”

Moved, “That this House do agree to the Commons Amendment to the Lords Amendment.”—(*Earl Carrington.*)

On Question, Motion agreed to.

EARL CARRINGTON: I move that your Lordships do not insist on your next Amendment—

“In Clause 2, page 2, line 28, to leave out the words ‘made before the commencement of this Act,’ ”

to which the Commons disagree because the omission of the words might enable contracting out.

Moved, “That this House do not insist upon the said Amendment.”—(*Earl Carrington.*)

THE DUKE OF NORTHUMBERLAND: I should like the noble Earl to give us some further explanation. This is one of the Amendments which the noble Earl accepted as just. After the doctrine which the noble Earl the Lord President of the Council has laid down, that no pledge given by any Party which is in a minority in this House is worth the paper it is written on—

*THE EARL OF CREWE: I beg the noble Duke's pardon. I never said anything approaching that, as he must be quite aware.

THE DUKE OF NORTHUMBERLAND: I think that is what it came to. Are we to understand that the doctrine is to be accepted that the pledges given by the President of the Board of Agriculture are not to hold good? Are the Government going to recede from that which they thought was fair both to landlord and tenant because certain Members of the House of Commons disapprove?

LORD BALFOUR OF BURLEIGH: I think it is even stronger. This was an Amendment actually moved by the President of the Board of Agriculture himself.

EARL CARRINGTON: I do think it is a little hard when every effort is made on our side to meet the wishes of noble Lords opposite that our suggestions should be thrown back in our teeth as pledges.

THE EARL OF CAMPERDOWN: I would point out that the Government are in a huge majority in the other

House. The Government say they cannot help what occurs in your Lordships' House, and that they cannot help what happens in the other House where they have this huge majority. I would like to know in what possible conditions they will be able to help things.

On Question, Motion agreed to.

EARL CARRINGTON: The Commons disagree with the following proviso inserted by your Lordships—

“In Clause 2, page 2, line 34, after the word ‘just’ to insert the words ‘provided that in the case of a contract of tenancy current at the commencement of this Act, such a deduction as aforesaid shall be made whether the allowance was to an agreed amount or not, and whether the allowance was expressly made or not, and for the purposes of this proviso a tenancy from year to year current at the commencement of this Act shall be deemed to continue until the first day on which either the landlord or the tenant could, the one by giving notice to the other immediately after the commencement of this Act, cause the tenancy to determine.”

They do so because they think that effect ought not to be given to indefinite or implied arrangements. I ask your Lordships not to insist on your Amendment.

Moved, “That this House do not insist upon the said Amendment.”—(*Earl Carrington.*)

THE DUKE OF NORTHUMBERLAND: I am sorry to speak so often, but the conduct of the Government is so extraordinary in this matter that one cannot help calling attention to it. Are they going to defend the House of Commons reasons? If not, why do they support them? The Amendment we have just dealt with was objected to by the Commons because the words proposed to be omitted might enable contracting out. Now the Commons leave out words because they object to implied agreements; so that we are not to have anything definite or implied. It means, I understand, that if a farm is let at a lower rent on account of game than would otherwise be charged, that is not to be taken into consideration. When we discussed the matter we took it for granted that it would be taken into consideration, but we wished to make it

clear. We hardly expected that His Majesty's Government would come forward and support a proposal of the House of Commons that the arbitrator should not take this fact into consideration.

THE FIRST LORD OF THE ADMIRALTY (Lord Tweedmouth): I must protest against the line the noble Duke is taking in regard to this Bill. Certain Amendments were put into the Bill by your Lordships to which the House of Commons do not agree, and they propose certain others. My noble friend is not deserving of the strictures that have been passed upon him. Certain action has been decided upon by the Government in the House of Commons, and my noble friend is carrying out the decision that has been arrived at. If the noble Duke does not agree with this Amendment, let him move its rejection. It is not business simply to criticise without taking some direct step.

THE EARL OF CAMPERDOWN: I cannot admit that the noble Duke's criticism is improper. The Government said the House of Commons did not agree to the proviso. Have they no control over the other House?

LORD TWEEDMOUTH: The Government supports the view of the House of Commons.

THE EARL OF CAMPERDOWN: In contradistinction to what they supported here?

THE LORD CHANCELLOR: We have been told that the Government are a miserable and weak-headed Government, and that nothing can be expected of us; that we are stupid both as regards England and Scotland.

THE DUKE OF NORTHUMBERLAND: I never said the Government were weak-headed.

THE LORD CHANCELLOR: If these things had been said of the noble Duke he would be wanting neither in the intelligence to perceive them nor in the spirit to resent them; and the Government are not wanting in those respects.

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The course open to the noble Duke and his friends is easy. If they do not agree with the Commons, let them vote against them. If they are not prepared to do that, I think the noble Duke, out of consideration for Ministers who have not altogether a very easy duty in this House, should refrain from observations which can do no possible good.

THE DUKE OF NORTHUMBERLAND: I am extremely sorry if anything that fell from me went beyond fair criticism. I did say this was a miserable Government, and I do not think that was unparliamentary. I never said they were weak-headed. Although I do sometimes speak strongly, I do not think I am ever discourteous. When a charge is brought against me I like to have, chapter and verse, what I have said that is wrong.

THE MARQUESS OF LANSDOWNE: My noble friend was of course entitled to move that we insist on our Amendment, and in doing so he could, no doubt, have made a full statement which would have required an answer. But my noble friend did not desire to go to that length. Still, he is entitled to seek to obtain from the Minister of Agriculture some rather more ample explanation than that contained in the brief statement on the Paper of the reasons for which the Amendment was objected to by the Commons. The noble Earl has given no explanation beyond that which we can all glean from reading the line and a half printed on the Paper.

THE MARQUESS OF RIPON: I am sure no one would accuse the noble Duke of using discourteous language intentionally of any Member of the House. If it please him to call us a miserable Government, well, we must bear it as well as we can. I must confess, however, that it has not much effect upon me. I think there has been a great deal of discussion, I will not say irregular, but more or less personal on matters which lie rather outside the business we have got to do. What we all want to do is not to lose the Bill. Had we not better take steps to get to that end without delay?

On Question, Motion agreed to.

EARL CARRINGTON : The next Amendment is in Clause 3—

"In page 3, line 5, after the word 'land' to insert the words 'on his holding consistent with the principles of good husbandry.'"

The Commons amend this Amendment by leaving out the words "consistent with the principles of good husbandry." Perhaps I may be permitted to quote the views of Mr. Long on this Amendment. Mr. Long stated in the other House that if he thought the exclusion of these words would expose the land of the country to the risk of wild experiments at the hands of those who knew very little about land cultivation, he would do his best to secure their retention; but he thought the clause placed the tenant in entirely satisfactory limitations, and he was afraid the introduction of the words might lead to confusion and litigation. I hope that in these circumstances your Lordships will agree to omit the words.

Moved, "That this House do agree with the Commons Amendment to the Lords Amendment."—(*Earl Carrington.*)

On Question, Motion agreed to.

EARL CARRINGTON : The next of your Lordships' Amendments which the Commons amend deals with leases. It is—

"In Clause 3, page 3, line 12, after the word 'holding' to insert the words 'in contravention of the custom, contract, or agreement. Provided that this sub-section shall not apply—

'(a) In the case of a lease for nineteen years or longer duration as respects the last three years before the expiration thereof; or,

'(b) In any other case as respects the year before the tenant quits the holding, or any period after he has given or received notice to quit, which results in his quitting the holding.'"

The Commons amend this Amendment by leaving out paragraphs (a) and (b), and inserting the following paragraphs—

"(a) In the case of a tenancy from year to year as respects the year before the tenant quits the holding or any period after he has given or received notice to quit which results in his quitting the holding; or,

'(b) In any other case as respects the year before the expiration of the contract of tenancy.'"

I will again quote Mr. Long. Speaking on this Amendment the right hon. Gentleman said—

"The whole difference between them narrowed itself down to a question of three

years or one year. He thought there was a good deal to be said on behalf of the Lords Amendment, but he was bound to recognise that the Act of 1900 did interfere with existing holdings. This carried it further, because it interfered with leases, and interfered with them in a way which was somewhat serious. He believed there was a strong feeling in Scotland in favour of the original form of this particular provision, and, on balance, he did not feel himself justified in offering opposition to the action of the Government."

In these circumstances I hope your Lordships will agree to the Commons Amendment.

Moved, "That this House do agree with the Commons Amendment to the Lords Amendment."—(*Earl Carrington.*)

THE EARL OF CAMPERDOWN : I hope the noble Earl sees the effect of the Amendment he is now proposing. It puts all these holdings on exactly the same footing as yearly tenancies. The result of that in Scotland will be seen in a very short time. So far from this being of any benefit to tenants, it will be of great disadvantage to them. Owners of land are but human, and they will not be likely to tie themselves up for a period of nineteen years when they will be bound by the same conditions as owners who let their land on yearly tenancies. Therefore I believe a great and prejudicial change will come over the system of agriculture in Scotland in consequence of this Amendment.

LORD LOVAT : I also desire to protest against this Amendment, which can only have the effect of putting an end to nineteen years leases in Scotland. We shall at once revert to the system of yearly tenancies, which, I am afraid, will not lead to the best results. I fear that in consenting to this Amendment the Government have done so without fully considering its effect.

LORD SALTOUN : I must join my protest to those of noble Lords who have spoken. In Scotland tenants have always regarded the nineteen years lease as securing them fixity of tenure, but by this Amendment that will be taken away. We Scottish landowners will have to adopt the one-year lease system for the future, and I confess with great regret

that I fail to see how that can in any way improve the conditions between landlord and tenant.

On Question, Motion agreed to.

EARL CARRINGTON: I now come to a rather technical Amendment. The Amendment inserted by your Lordships was as follows—

“In Clause 3, page 3, line 24, to leave out from the word ‘deterioration’ to the end of clause, and to insert the words ‘as is required by this section or in respect of other provision made for the purpose of complying with this section.’

“(4) In this section the expression ‘arable land’ shall not include land in grass, which by the terms of any contract of tenancy is to be retained in the same condition throughout the tenancy.”

The Commons have amended the Amendment by leaving out the words—

“Or in respect of other provisions made for the purpose of complying with this section.”

They insert in lieu thereof the following Amendment—

“‘In page 3, line 22, to leave out the words ‘Manures as defined by the Agricultural Holdings Act, 1900, which have been used,’ and to insert the words ‘Improvements comprised in Part III. of the First Schedule to the Agricultural Holdings Act, 1900, which have been made.’”

If it is desired by any noble Lord, I will explain this Amendment.

Moved, “That this House do agree with the Commons Amendment to the Lords Amendment.”—(*Earl Carrington.*)

LORD BALFOUR OF BURLEIGH: I am glad to be able to say that I think the Amendment sent up to us meets the point in view. Personally I am quite satisfied with it.

On Question, Motion agreed to.

EARL CARRINGTON: In Clause 4 your Lordships agreed to the following Amendment—

“In page 4, lines 7 and 8, to leave out the words ‘goods, implements, produce or stock’ and insert the words ‘household goods or his implements of husbandry, produce, or farm stock or used in connection with the holding.’ Provided that no compensation under this section shall be payable—

Lord Saltoun.

“(a) Unless the tenant has given to the landlord a reasonable opportunity of making a valuation of such goods, implements, produce, and stock as aforesaid; or

“(b) Unless the tenant has within two months after he has received notice to quit or a refusal to grant a renewal of the tenancy, as the case may be, given to the landlord notice in writing of his intention to claim compensation under this section; or

“(c) Where the tenant with whom a contract of tenancy was made has died within three months before the date of the notice to quit, or in the case of a lease for years before the refusal to grant a renewal; or

“(d) If the claim for compensation is not made within three months after the time at which the tenant quits the holding; or

“(e) In the case of leases for fourteen or more years current at the passing of the Act.”

The Commons amend this Amendment by leaving out paragraph (e).

Moved, “That this House do agree with the Commons Amendment to the Lords Amendment.”—(*Earl Carrington.*)

LORD BALFOUR OF BURLEIGH: I understand that the whole of our Amendment is accepted by the House of Commons with the exception of paragraph (e). It was upon that paragraph that we in Scotland relied to save our existing contracts. We had resolved to bear the disadvantage if only we could save our existing contracts. We are now denied that privilege. If this Amendment is resisted, there is a great danger of losing the Bill for those south of the Tweed, to whom it may be an advantage; but I think the omission of paragraph (e) is unfair and improper in itself and will have extremely bad results in Scotland. I most earnestly enter my protest against the breach of existing contracts, and I shall take the one course open to me of placing on the records of this House my protest against this procedure, so that it shall not be quoted against me that I have agreed to it.

On Question, Motion agreed to.

EARL CARRINGTON: I now come to the last Amendment. Your Lordships inserted in Clause 4, page 4, line 11—

“(2) Any question arising under this section as to whether a landlord acted without good and sufficient cause or for reasons inconsistent with good estate management shall, for the purposes of the provisions as to arbitration

relating to the statement of a case and any appeal therefrom be deemed to be a question of law."

The Commons disagree to this Amendment, because they consider that the questions are not questions of law.

Moved, "That this House do not insist upon the Amendment."—(*Earl Carrington*.)

THE DUKE OF NORTHUMBERLAND: This is the most important point in the Bill except perhaps Clause 4, and the lucid explanation which the noble and learned Lord on the Woolsack previously gave us only increases the difficulty. Such an important and intricate matter as what is good estate management ought not to be left to an arbitrator whose primary duty is to consider the values of manures. I pointed out before that it was quite evident that a mind capable of adequately dealing with manorial matters would probably be quite incompetent to deal with these larger and more important questions. The noble Earl agreed. I had an Amendment on the Paper and so had the noble Viscount Lord St. Aldwyn, and the insertion of this sub-section was an absolute agreement. I would appeal to the noble Earl and the Government whether they really think that it is just to leave us in this position—that these important questions of estate policy should be decided by an ordinary arbitrator. We are perfectly aware that any of these questions may be referred by the arbitrator to a legal tribunal, but what we want to enforce is that the arbitrator shall not himself decide upon them. The noble Earl surely on this subject has an opinion of his own that he is going to stand by.

EARL CARRINGTON: I regret that I cannot meet the appeal of the noble Duke. I have done all I can to meet reasonable appeals, but it is obvious that I cannot meet this appeal at the last moment.

THE MARQUESS OF LANSDOWNE: I listened with great attention to the explanation with which the noble and learned Lord on the Woolsack kindly favoured us, but I do not think it quite

touched the point which interests us on this side. We feel that in many cases the difference that may arise is not one which ought to be disposed of by the class of person who presumably will be appointed to act as arbitrator under this Bill. It is quite true that where you have a simple question of fact it is not desirable that it should go beyond the arbitrator, but when you come to such a question, for example, as whether the tenant whom the landlord seeks to dispossess is a person who has habitually misconducted himself, an evil liver, it does seem to us rather hard that a point of that kind should be left entirely to the arbitrament of one of these arbitrators, who may be an auctioneer in a country town, perfectly competent to deal with the manorial value of certain substances, but not competent to deal with the more important matter. I do not think the explanation of the noble and learned Lord quite met our case.

THE LORD CHANCELLOR: I do not hold that the arbitrator indicated by the Bill is necessarily the best person to decide the character and the general conduct of a tenant apart from his agricultural abilities. That is rather a matter for a jury; but I would point out how "cribb'd, cabin'd, and confin'd" the authority is. The Amendment of your Lordships simply provided for the circumstance where a landlord acts without good and sufficient cause. I think that this provision would relate to an agricultural cause. It may be otherwise, however, and if so there is a defect, but that, again, is not really a question of law. I interpret the meaning of the Amendment, as it stands, as relating to agricultural reasons and that it does not involve any consideration of a moral character.

THE MARQUESS OF SALISBURY: Does the noble and learned Lord say that the other reasons would never be taken into consideration?

THE LORD CHANCELLOR: I should not like to say that without referring to the Bill.

On Question, Motion agreed to.

LAND TAX COMMISSIONERS BILL.
EXPIRING LAWS CONTINUANCE BILL.

Returned from the Commons with the Amendment agreed to.

EDUCATION (PROVISION OF MEALS)
BILL.

Returned from the Commons with the Amendments agreed to.

TOWN TENANTS (IRELAND) BILL.

Returned from the Commons with the Amendment made by the Lords in lieu of the Amendment disagreed to by the Commons, agreed to.

SMALL HOLDINGS COMMITTEE.

LORD BALFOUR OF BURLEIGH: I beg to ask the President of the Board of Agriculture whether it is expected soon to publish the Report of the Small Holdings Committee.

EARL CARRINGTON: I received the Report of Lord Onslow's Committee on Friday last. It was presented to both Houses of Parliament at once, and was ordered to be printed. I sent a message to the printers yesterday urging them to issue the Report at the earliest possible moment. The printers say that they are overwhelmed in other work, but I hope that the Report will be circulated in the course of the next few days.

ROYAL COMMISSION.

The following Bills received the Royal Assent:

1. Marine Insurance.
2. Street Betting.
3. Licensing (Removal of Doubts).
4. Removal of Offensive Matter.
5. Burials.
6. Recorders, Stipendiary Magistrates, and Clerks of the Peace.
7. Trade Disputes.
8. Merchant Shipping Acts Amendment (No. 2).
9. Census of Production.
10. National Galleries of Scotland.
11. Land Tax Commissioners.

12. Expiring Laws Continuance.
13. Notice of Accidents.
14. Agricultural Holdings.
15. Town Tenants (Ireland).
16. Education (Provision of Meals).
17. Workmen's Compensation.
18. Public Trustee.
19. Falkirk and District Tramways (Extensions) Order Confirmation.
20. Ure Elder Fund Order Confirmation.
21. Edinburgh Suburban Electric Tramways Order Confirmation.
22. Ardrossan, Saltcoats and District Tramways Order Confirmation.
23. Dunbartonshire Tramways Order Confirmation.
24. Dunfermline and District Tramways Order Confirmation.

HIS MAJESTY'S SPEECH.

And afterwards His Majesty's Most Gracious Speech was delivered to both Houses of Parliament by the LORD HIGH CHANCELLOR (in pursuance of His Majesty's Command) as followeth—

My Lords and Gentlemen,

The marriage of My niece to the King of Spain took place last June in Madrid, and the ceremony was attended by the Prince and Princess of Wales. Happily, their Majesties the King and Queen of Spain were mercifully preserved from being injured by the outrage committed against them.

The recent visit of the King of Norway with the Queen, My daughter, has given Me sincere pleasure, and cannot fail to promote friendly relations between the two Countries.

My relations with Foreign Powers continue to be friendly.

The Conference which met at Algeiras, on the invitation of the Sultan, to consider the introduction of reforms into Morocco, concluded its labours by the signature of an International Act which should be conducive to an improvement of the situation in Morocco.

There has been a distinct improvement in the condition of affairs in Crete, and the Powers are still giving close attention to the reforms which are being gradually introduced into the administration of the Macedonian vilayets.

My Government have concluded Agreements with the French and Italian Governments for the maintenance of the *status quo* in the dominions of the Emperor Menelek in Abyssinia, and for the regulation of the traffic in arms on the Somali Coast.

In conformity with the Declaration of the 8th April, 1904, concerning the New Hebrides, a Convention with France has been signed for the purpose of putting an end to the difficulties arising from the absence of jurisdiction over the natives, and of settling land disputes in those islands.

My Government have concluded satisfactory arrangements with the German Government in regard to our respective frontiers in the neighbourhood of Lake Tchad and Lake Victoria Nyanza, and with the Government of the French Republic respecting the Anglo-French boundary between Lake Tchad and the Niger.

The boundaries between the Anglo-Egyptian Soudan and the Congo State have been satisfactorily settled by an Agreement which has been signed with the Sovereign of the Congo State, and the eastern administrative boundary of Egypt has been delimited by a Joint Commission with the Government of Turkey.

A Conference, in which my Plenipotentiaries took part, was held at Brussels in October to revise the Regulations instituted under the Brussels Act for the restriction of the liquor traffic in Africa, and a Convention was signed, which will shortly be laid before you.

The visits of friendship which the Amir of Afghanistan will shortly pay to the Governor-General of India is a gratifying indication of the amicable relations that exist between the Amir and my Government.

In pursuance of the promise given in my speech at the opening of Parliament,

the arrangements for the establishment of Responsible Government in the Transvaal have now been completed, and I have caused Letters Patent to issue under the Great Seal. The Instruments providing for the grant of a similar Constitution to the Orange River Colony are in preparation.

I trust that during the coming year the new form of Government will come into full operation and will exert a powerful influence not only in securing the peace and prosperity of both Colonies, but in contributing to the unity and strength of my possessions in South Africa.

Gentlemen of the House of Commons :

I thank you for the liberality with which you have made provision for the services of the year.

My Lords and Gentlemen :

A measure for further extending and facilitating the provision of cottages and allotments of land by the Rural District Councils of Ireland for the use of labourers and for conferring other benefits on this deserving class of My subjects has passed into law. I am happy to say that the country continues tranquil and that the general improvement in the state of the peasantry makes the failure of the potato crop, which has in some districts been serious, a less grave misfortune than it would have been in former times.

A Bill relating to the Tenancy of certain Classes of houses in Ireland, which has also been passed, will place the law on a more equitable footing and remove a long-standing sense of grievance.

Important measures have received My sanction for the Amendment of the existing Merchant Shipping Laws, having in view alike the well-being of the seamen and the interests of shipowners, and for taking a periodical census of the industrial production of the country.

A measure has been passed amending the Law in regard to Trade Disputes, which will, I hope, remove all legitimate cause of grievance, and I have also given My assent to an Act to amend and

consolidate the Law of Workmen's Compensation, extending the benefits of the Law to over 6,000,000 persons not included under the provisions of preceding Acts.

I have assented to an Act for the amendment of the Law relating to Agricultural Holdings and to other measures affecting agriculture. I trust that the close attention which has been given to these questions will be of material benefit to that important industry.

I hope that the Public Trustee Act will afford, especially to the poorer classes of the population, valuable facilities for the safe and inexpensive management and distribution of Trust funds.

Further measures have been passed for placing the control of the National Galleries in Scotland on a better footing, for abolishing the property qualification previously required of County Justices, for more effectually dealing with the evils incident to the prevalence of street betting, and for making provision for the feeding of school children.

I regret that, notwithstanding the protracted consideration which you have given to the improvement of primary and secondary education, no settlement of the difficulties which surround this question has been arrived at.

I recognise the zeal which you have devoted to your arduous labours, and I pray that their results may have the blessing of Almighty God.

Then a Commission for proroguing the Parliament was read.

After which the LORD CHANCELLOR said :—

My Lords and Gentlemen, By virtue of His Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in His Majesty's Name, and in obedience to His Commands, prorogue this Parliament to Tuesday, the Twelfth day of February next, to be then here holden; and this Parliament is accordingly prorogued to Tuesday the Twelfth day of February next.

HOUSE OF COMMONS.

Friday, 21st December, 1906.

The House met at Twelve of the Clock.

MR. SPEAKER'S INDISPOSITION.

The Clerk at the Table informed the House of the unavoidable absence of Mr. Speaker from this day's Sitting owing to continued indisposition.

Whereupon Mr. EMMOTT, the Chairman of Ways and Means, proceeded to the Table, and, after Prayers, took the Chair as Deputy-Speaker, pursuant to the Standing Order.

PETITIONS.

PARLIAMENTARY FRANCHISE.

Petition from Godalming, for extension to women; to lie upon the Table.

RETURNS, REPORTS, ETC.

PAWNBROKERS' RETURN (IRELAND).

Copy presented, of Returns from the City Marshal of Dublin for the year ended 31st December, 1905 [by Act]; to lie upon the Table.

METROPOLITAN WATER BOARD.

Copy presented, of First Annual Report of the Metropolitan Water Board for the year ending 31st March, 1904, [by Act]; to lie upon the Table, and to be printed. [No. 399.]

PARLIAMENTARY PAPERS.

Mr. Deputy-Speaker laid upon the Table :—

List of the Bills, Reports, Estimates, and Accounts and Papers printed by order of the House, and of Papers presented by command, Session 1906, with a General Alphabetical Index thereto, 28th Parliament, First Session, 6th Edward VII., 13th February, 1906, to 21st December, 1906; to be printed. [No. 400.]

ALCOHOLIC BEVERAGES.

Copy ordered, "of Memorandum and Statistical Tables showing the production and consumption of Alcoholic Beverages

(Wine, Beer and Spirits) in the British Empire and the principal Foreign Countries; and the Revenue derived therefrom in recent years as far as the particulars can be stated (in continuation of Parliamentary Paper, No. 345, of Session 1904).”—(*Mr. Kearley*).

Copy presented accordingly; to lie upon the Table, and to be printed. [No. 401.]

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**QUESTIONS AND ANSWERS
CIRCULATED WITH THE VOTES.**
— — —

**Devonport Education Authority and
Keyham Roman Catholic School.**

LORD EDMUND TALBOT (Sussex, Chichester): To ask the President of the Board of Education whether he is aware that the local education authority of Devonport are still refusing to maintain the Keyham Roman Catholic school, in spite of their having been informed in June, 1905, and again in August, 1906, by the Board of Education that it was their duty to do so; and what action he proposes to take in the matter.

(*Answered by Mr. Birrell.*) I am aware of the facts of the case. It is receiving the most careful attention of the Board, but I am not yet in a position to make any definite statement on the subject.

**Religious Census of Pupils of Elementary
Schools.**

SIR HOWARD VINCENT (Sheffield, Central): To ask the President of the Board of Education if he can inform the House how many pupils were in the public elementary schools of England on 1st January, 1906, whose parents were classified as belonging to the Church of England, how many to Nonconformist Protestant beliefs, how many to the Church of Rome, to the Hebrew faith, and how many to any other denomination.

(*Answered by Mr. Birrell.*) A religious census does not exist in this country, nor has any system been inaugurated requiring parents to state to what church or denomination they belong when sending their children to public elementary schools. I have, therefore, no information upon the point asked in the Question.

**Fees at St. George's Commercial School,
Ramsgate.**

MR. E. H. LAMB (Rochester): To ask the President of the Board of Education whether the fees charged at St. George's Commercial School, Ramsgate, in Standards IV. and upwards are 1s. per week; and, if so, whether such fees have been sanctioned by the Board.

(*Answered by Mr. Birrell.*) The only official information possessed by the Board of Education, sent them on the official forms by the managers and by the local education authority, states that the highest fee charged in the school in question is 9d. a week. Letters were recently received at my Department alleging that certain parents of children in one department of the school were being called upon to pay a fee of 1s. in certain standards. Inquiries were at once instituted into this, and we are awaiting information from the local education authority.

Master and Servant—Unfair Contracts.

MR. BOWERMAN (Deptford): To ask Mr. Attorney-General whether his attention has been called to the remark made by Mr. Justice Neville, in the Chancery Divisional Court, on the 6th instant, in the case of Henry Leatham & Son, Limited, v. Johnstone-White, when, in deciding in favour of the plaintiff firm, and granting an injunction restraining the defendant (a commercial traveller) from entering the employment of any firm carrying on a similar business (corn factors) in any part of the United Kingdom for a period of five years, his Lordship remarked on the exceeding pressure placed on the working commercial population by the existing state of the law bearing upon such contracts of service whereby the interests of employers alone were considered; and whether, in view of the fact that such contracts are against public policy, their enforcement in all probability entailing upon the defendant in this and similar cases loss of employment, the opinion expressed by Mr. Justice Neville will be duly considered with the view of preventing their enforcement by injunction or otherwise.

(*Answered by Sir John Walton.*) I do not consider the law is at fault. The difficulty arises from the spirit in

which it is applied. If the contracts referred to are unduly oppressive and in restraint of trade, and for these reasons opposed to public policy, the Court may and should refuse to enforce them.

Construction of a Railway from Westport to Lanesborough.

DR. AMBROSE (Mayo, W.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether his attention has been called to a recent resolution of the Westport Board of Guardians, in which they ask for the construction of a light railway from Westport to Lanesborough so as to supply a much needed requirement, and give employment to the labourers who are in distress owing to the failure of the crops; and will he take into consideration the advisability of making this railway.

(*Answered by Mr. Bryce.*) I have seen a copy of the resolution referred to in the Question. No information has reached me tending to show that relief works are needed in that district, and I fear that it would not be feasible to start railway works in this locality in time to give employment to labourers during the spring and summer. The merits of this project, which does not appear to have been brought before the Government on any former occasion, have not, so far as I know, been heretofore considered; but I believe that there are other districts in which the need of improved railway facilities is more urgently felt.

Irish Evicted Tenants—Application of Mr. P. Foley.

MR. WILLIAM ABRAHAM (Cork County, N.E.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Estates Commissioners have referred to their inspector for Cork County the application of Mr. Patrick Foley, of Fermoy, for reinstatement as the successor to his father in the holding on the estate of Mr. Maxwell Lowe, Watergrasshill; and, should his reinstatement be found to be difficult or impossible, whether the Commissioners would take into consideration his claim for an allotment of untenanted land.

(*Answered by Mr. Bryce.*) The Estates Commissioners inform me that no applica-

tion for reinstatement has yet been received from Patrick Foley. An application has been received from Thomas Foley, and it has, with others of a similar nature, been referred to an assistant inspector for inquiry and report, but the report has not yet been received in his case.

Re-sale of the Winn Estate, County Kerry.

MR. BOLAND (Kerry, S.): To ask the Chief Secretary to the Lord-Lieutenant of Ireland whether the Winn estate at Glenbeigh, county Kerry, has been vested in the Congested Districts Board; and, if so, when will the necessary improvements be undertaken, with a view to a re-sale to the tenants.

(*Answered by Mr. Bryce.*) The Congested Districts Board inform me that the Winn estate has not yet been vested in them, and that no alteration in the holdings can as yet be made.

MESSAGE FROM THE LORDS.

That they have agreed to, National Galleries of Scotland Bill, Falkirk and District Tramways (Extensions) Order Confirmation Bill, without Amendment.

Amendments to Amendments to Land Tenure Bill, now Agricultural Holdings Bill, and to the Consequential Amendments made to the Bill, without Amendment; and do not insist on their Amendments to which this House has disagreed.

That they do not insist on their Amendments to the Workmen's Compensation Bill, to which this House has disagreed.

That they have agreed to Amendments to Public Trustee Bill [Lords], without Amendment.

QUESTIONS IN THE HOUSE.

Cost of the Macedonian Reform Scheme.

MR. REES (Montgomery Boroughs): I beg to ask the Secretary of State for Foreign Affairs whether he will endeavour to obtain from the British financial adviser on the Reform Commission in Macedonia, before the next Session of Parliament, the information promised by him; and whether he will also request

the British adviser to endeavour to furnish an estimate of any additional cost to which the Turkish Government may have been put by the reform scheme of the Powers in Macedonia.

THE SECRETARY TO THE LOCAL GOVERNMENT BOARD (MR. RUNCIMAN, Dewsbury; for Sir EDWARD GREY): As regards the first part of this Question, in which I presume the hon. Member refers to the information asked for in his Question of the 29th ult., the amount due by the Turkish Government in March last was £T94,000. The monthly subventions due from the Turkish Government on account of the deficit amount to £T68,546. Therefore the total amount due up to the middle of November last was £T616,914. The subventions actually paid by the Turkish Government up to that time were as follows:—In March, £T160,000; July, £T60,394; August, £T80,000; September, £T50,000; October, £T25,000; November, £T40,000—making a total of £T415,394. These sums were derived from the proceeds of loans. As regards the second part of the Question, it is not possible to furnish a comparative statement, as no trustworthy details in regard to the civil expenditure of the three vilayets are available prior to the establishment of the Financial Commission.

MR. REES asked if, in view of the very strong feelings entertained by certain hon. Members on this subject, the Secretary of State would be willing to receive them during the Recess and to listen to any representations they might have to make.

MR. RUNCIMAN replied that, of course, he could not pledge his right hon. friend, but he was sure he would consider any communication sent to him.

Menston Asylum, Leeds.

MR. O'GRADY (Leeds, E.): I beg to ask the President of the Local Government Board whether his attention has been called to the action of the attendants at the Menston Asylum, Leeds, in their treatment of the inmates; and whether, in view of the local opinion upon the matter, and as an act of fairness to the officials, a public inquiry will be granted.

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (MR. GLADSTONE, Leeds, W.): I beg to answer this Question on behalf of my right hon. friend. I have received some communications on this subject and am now making inquiries into the matter. At present I have no information upon which I could answer the last part of the Question.

Leeds Sorting Staff—Hours of Duty.

MR. O'GRADY (Leeds, E.): I beg to ask the Postmaster-General whether he is aware that the sorting office staff at Leeds are compelled to work very often twenty hours a week overtime; whether, in view of the amount of overtime, he will consider the advisability of making new appointments, in view of the fact that some of the learners in the post office named have over three years unappointed service; and whether he is aware that when appointments are delayed that increments are also delayed, which, in the case of young men, means a loss in some cases of 4s. per week for twenty years.

THE POSTMASTER-GENERAL (MR. SYDNEY BUXTON, Tower Hamlets, Poplar): I will have inquiry made in the matter, and will inform the hon. Member of the result. I may say, however, that provisional authority has been given for additional staff.

The House of Lords.

MR. J. H. WHITLEY (Halifax): I beg to ask the Prime Minister whether, in view of the rejection or amendment by the other House of the Education Bill, the Plural Voting Bill, the Town Tenants (Ireland) Bill, and the Land Tenure Bill, he will take into consideration during the recess the desirability of proposing early next session a new Standing Order empowering the House, on the Motion of a Minister of the Crown, to pass through all its stages in the one sitting any Bill which has failed to pass into Law by reason of the action of the other House, and thus prevent the other House from nullifying the result of the prolonged labour of this House. In putting the Question the hon. Member said a word had been seriously altered by the authorities at the Table. He had written "in view of the rejection or 'mutilation' by the other House of" the Bills referred

to. He would ask the Prime Minister to take the word "amendment" in a strictly ironical sense.

MR. DEPUTY-SPEAKER: The form of the Question was altered by my direction. I did not think that in the form in which it was given it was respectful to the other House.

MR. T. L. CORBETT (Down, N.) desired to call attention to an error in including the Town Tenants (Ireland) Bill in the Question. In its amended form that Bill was agreeable to all Irish Members.

The following Questions on the same subject also appeared on the Paper:

MR. P. BARLOW (Bedford): To ask the Prime Minister whether, in view of the rejection or amendment by the other House of the Education Bill, the Plural Voting Bill, the Town Tenants (Ireland) Bill, and the Land Tenure Bill, he will take into consideration during the recess the desirability of proposing early next session a new Standing Order empowering the House, on the Motion of a Prime Minister of the Crown, to pass through all its stages in one sitting any Bill which has failed to pass into Law by reason of the action of the other House, and thus prevent the other House from nullifying the result of the prolonged labour of this House.

MR. MYER (Lambeth, N.): To ask the Prime Minister whether, in view of the rejection or amendment by the other House of the Education Bill, the Plural Voting Bill, the Town Tenants (Ireland) Bill, and the Land Tenure Bill, he will take into consideration during the recess the desirability of proposing early next session a new Standing Order, empowering the House, on the Motion of a Minister of the Crown, to pass through all its stages in one sitting any Bill which has failed to pass into Law by reason of the action of the other House, and thus prevent the other House from nullifying the result of the prolonged labour of this House.

MR. RAPHAEL (Derbyshire, S.): To ask the Prime Minister whether in view of the rejection or amendment by the other House of the Education Bill, the

Plural Voting Bill, the Town Tenants (Ireland) Bill, and the Land Tenure Bill, he will take into consideration during the recess the desirability of proposing early next session a new Standing Order empowering the House, on the motion of a Minister of the Crown, to pass through all its stages in one sitting any Bill which has failed to pass into Law by reason of the action of the other House, and thus prevent the other House from nullifying the result of the prolonged labour of this House.

MR. RAINY (Kilmarnock Burghs): To ask the Prime Minister whether, in view of the rejection or amendment by the other House of the Education Bill, the Plural Voting Bill, the Town Tenants (Ireland) Bill, and the Land Tenure Bill, he will during the recess take into consideration the desirability of proposing early next session a new Standing Order empowering the House, on the Motion of a Minister of the Crown, to pass through all its stages in one sitting any Bill which has failed to pass into Law by reason of the action of the other House, which has had the effect of nullifying the result of the prolonged labour of this House.

MR. LEHMANN (Leicestershire, Market Harborough): To ask the Prime Minister whether, in view of the rejection or amendment by the other House of the Education Bill, the Plural Voting Bill, the Town Tenants (Ireland) Bill, and the Land Tenure Bill, he will take into consideration during the recess the desirability of proposing early next session a new Standing Order empowering the House, on the Motion of a Minister of the Crown, to pass through all its stages in one sitting any Bill which has failed to pass into Law by reason of the action of the other House, and thus prevent the other House from nullifying the result of the prolonged labour of this House.

MR. RAPHAEL: To ask the Prime Minister whether, in view of the treatment by the House of Lords of Bills passed by this House by large majorities, he will consider the desirability of introducing, at an early period, a measure limiting the veto of the House of Lords in the case of measures which have passed twice through this House.

THE PRIME MINISTER AND FIRST LORD OF THE TREASURY (Sir H. CAMPBELL-BANNERMAN, Stirling Burghs): Perhaps I may be allowed to do what I think is quite unexampled in answering Questions—to reply to seven Questions put to me in similar terms. I do not think so large a catch of fish has ever fallen to one net. My hon. friends cannot expect a definite reply at the present moment, but, of course, the Questions they raise will receive the most serious attention of the Government.

MR. RAPHAEL asked whether his second Question was included in the right hon. Gentleman's Answer. It seemed to be somewhat different from the others.

SIR H. CAMPBELL-BANNERMAN: Yes, certainly it is different, but it requires the same Answer.

EDUCATION (PROVISION OF MEALS) BILL.

Order read for the Consideration of the Lords Amendments.

THE SECRETARY TO THE BOARD OF EDUCATION (Mr. LOUGH, Islington, W.) in moving that the Lords Amendments be now considered, said it would be convenient to state the nature of the Amendments and the course the Government thought it necessary to take. There were two Amendments, and their effect was to exclude Scotland from the provisions of the Bill. He reminded the House of the position. A Bill for Scotland in exactly the same terms as the English Bill passed its Second Reading unanimously, and the two Bills were referred to one Committee. That Committee, finding the two Bills proceeded on the same lines, recommended their amalgamation, and in the present Bill as sent to another place the powers were extended to Scotland. The striking out of this extension appeared to him an extremely harsh course for the House of Lords to take. He could hardly describe it as less than a wanton blow at the rights of the representatives of Scotland. Five-sixths of the Scottish Members were at the back of the Government, and they had with practical unanimity agreed to the recommendation of the Select Committee that Scotland should be included in the Bill.

The Bill had been subjected to prolonged examination both in that House and in the House of Lords, and no hole had been picked in its framework. There was no evidence that opinion in Scotland was against the Bill. Such expression of opinion as there had been in Scotland was in reference to the Bill before it went up to the Select Committee. In Committee the Bill had been made a businesslike measure, and there had since been no hostile expression of public opinion in Scotland. On the contrary, they had evidence that opinion in Scotland had changed and was taking a favourable view of the Bill. It was a permissive Bill; it was designed to meet emergencies, and it encouraged voluntary effort. In these circumstances it was an extraordinary thing that the clause applying the Bill to Scotland should have been struck out. The hon. Member for Glasgow and Aberdeen Universities was the only Scottish Member who had taken the slightest objection to the Bill. They did all they could to educate the hon. Member, but they failed: he remained incorrigible to the end. They protested against the treatment to which Scotland had been subjected by the Lords in this matter. Hon. Members from Scotland would know how to put this matter right next session. But they had to consider the position of the Bill now. It was absolutely necessary that the Bill, which was badly wanted in England and Wales, should be passed into law. Its structure so far as England and Wales were concerned, had not been touched. Therefore great responsibility rested on them in considering whether they had the right to risk the whole measure. They felt it would not be right to take that risk, and therefore he felt himself driven to move "that this House doth agree with the Lords in the said Amendments."

Question proposed, "That this House doth agree with the Lords in the said Amendments."—(*Mr. Lough.*)

MR. BARNES (Glasgow, Blackfriars) said that as a Scottish Member, and moreover as a Scottish Labour Member representing a large industrial constituency also as one whose privilege it was to introduce a small Bill dealing

with Scotland upon the same subject, which eventually became the clause under discussion, he ventured to associate himself with the protest which had been made by the Secretary to the Board of Education. He also wished to go one step further and express the hope that even now at the eleventh hour the House might find some way of remitting the Bill to the House of Lords in order to secure the re-insertion of the clause. The Bill he had introduced upon the matter went through the Commons unopposed, and he was glad to say that after that he had the unanimous support of the Scottish Liberal Members. He did not know what the number of them was, but he believed it was practically all of them, with the exception of the representative of the Glasgow and Aberdeen Universities. He failed to understand the reason why those in another place had struck out the clause. From what he could gather, in the first place, the Member for Glasgow and Aberdeen Universities in his speech on a previous occasion laid great stress on the statutory conditions of Scotland as being different from those in England. He did not know much about the statutory conditions of Scotland, but in his opinion those conditions ought to be subordinate to the common claims of humanity. The hon. Member on that occasion had devoted much time to showing that Scotland had no need for the Bill and did not want it. He (Mr. Barnes) ventured to claim to represent the Scottish opinion of those directly concerned with the Bill a good deal better than the hon. Member for Glasgow and Aberdeen Universities. The chief thing about the matter was the depth of Scotland's poverty. He spoke upon this subject with knowledge and observation, and he knew there was as great need for the Bill in Scotland as in any other part of the British Isles. Nor did he trust even to his own observation in the matter. The Royal Commission on Physical Training in Scotland in its Report stated that—

"It was evident that among the causes which told against the physical welfare of the population, the lack of proper nourishment was most prevalent. Many important witnesses were of opinion that it was most desirable that increased attention should be given to the feeding of children in State-aided schools. We entirely agree."

Mr. Barnes.

Again, the Dundee Social Union had said that the health of a large number of children was impaired and development retarded by inefficient nourishment. Such expressions as these were convincing as to the need for the Bill in Scotland. It was quite true there had not been such a voluminous demand for the measure on the part of the Scottish education authorities as one might wish, but he had had the honour of presenting to the House a strongly-worded minority report from the Glasgow School Board, in which it was urged that the Bill should be applied to Glasgow. Then again they had had some evidence as to the demand for the Bill from the trade unions of Scotland, and these organisations certainly had some claims to speak for the people on the matter. On two occasions the trade unions had asked that the Bill should apply to Scotland. Apart from all this, however, he did not think they need go beyond the fact that five-sixths of the representatives of Scotland in this House were in favour of the measure. Ever assuming that there was something in the argument that there was no demand for the Bill in Scotland and that that country did not want it, all that he and his friends asked was that in the event of any one authority in Scotland expressing a desire for it, neither the Member for Glasgow and Aberdeen Universities nor the House of Lords should stand in the way.

MR. EUGENE WASON (Clackmannan and Kinross) drew the attention of the House to the proceedings in Committee upon the Bill. They sat, he said, from mid-day till after three o'clock in the morning in order to get the Bill through. On 13th December it came on for Report, and the Member for Glasgow and Aberdeen Universities moved the rejection of Clause 7. The Speaker, however, who was in the Chair, thought the motion a frivolous one, and ordered hon. Members in support of the omission to stand up. Thirteen only stood up, and eleven had their names taken down. Of that eleven there was not one Scottish Member, with the exception of the Member for one of the Scottish Universities. Notwithstanding the protests of Scottish Members they were not

to get the benefit of this Bill. But there was one hon. Member who would be pleased, and to him they tendered their congratulations. When they went down to their constituents after Christmas they would be able to tell them the way in which Scottish Liberal opinion in this House was repealed at the bidding of the hon. Member for Glasgow and Aberdeen Universities.

MR. ARTHUR HENDERSON (Durham, Barnard Castle) said he associated himself very fully with the protest made against the action of the House of Lords, but his main purpose in rising was to put before the House one very important aspect of the situation in which they found themselves. This Bill was in the first instance a private Member's Bill, and they were all aware of the difficulty there was in getting any private Member's Bill carried through the House. In this particular instance it was only because the Government had assumed responsibility that the Bill was able to pass. But, he asked, what, supposing they consented to the Government's suggestion, would be the position next session, and what guarantee was there that the Government would assist in passing a measure applying the provisions of the Act to Scotland? Repeated protests had been made this session that the Government had dared to take the responsibility for measures introduced by private Members. If they were going to be placed in that difficulty and exposed to the uncertainty as to whether the Government next session would help a private Member's Bill, dealing with this question, would the Prime Minister promise that he would grant such facilities; or, better still, would he promise that the Government themselves would bring in a small measure which should apply the benefits of this Bill to Scotland? If a promise to this effect were given he thought they could all agree to the position the Secretary to the Board of Education had taken up to-day, though of course they must all protest against the action of the Lords.

DR. MACNAMARA (Camberwell, N.) thought a great mistake had been made in striking Scotland out of the Bill.

It was a permissive Bill, and if Scotland did not want it Scotland need not have it. But he joined issue at once with the statement that substantially there was no need for this measure in Scotland. He knew from personal experience that in the great town schools of Glasgow, Edinburgh, and Dundee, there was grave need for a Bill of this sort. The late Miss Stevenson, when on the Edinburgh School Board, told him there were a great many children in a half-starved and neglected condition attending the schools. And, when he thought of the full-blooded complacency with which Lord Balfour of Burleigh said this Bill was not needed for Scotland, he could not help thinking of the old Scottish proverb "When the guid man's full, naeboddy else is empty." If the hon. Member for Glasgow and Aberdeen Universities examined the petitions he would see there was no petition against the Bill on the merits of the case, but the petitioning bodies thought some other authority ought to be charged with the work. He was sure, however, that finding themselves where they did the Motion made by the Parliamentary Secretary was the only one possible. He ventured to think that the Prime Minister would out of the goodness of his heart respond to the appeal made by the hon. Member for Barnard Castle, that something should be done to give facilities to a private Member's Bill next year. He did not like giving way to the Lords in this or anything else; but he understood it was either that or losing the Bill. This Bill had been before the country for ten years, and it was about time they got to work. It was a comfort to feel that amid all their hopes of effecting something for educational reform this year, at any rate they had succeeded in putting one small Bill on the Statute book in the interests of little hungry children.

SIR H. CAMPBELL-BANNERMAN said he had really nothing to add to what had been said by his hon. friend the Parliamentary Secretary to the Board of Education, who had conducted the later stages of the Bill through the House with a tact, a skill, and a courage which, he thought, were admired by them all. He, like his hon. friend, wanted to save the Bill. It was a question of life and death now. It was too late to

send it back to the other place, where the Bill had not many friends. If it had been a Bill referring perhaps, to other classes of the community, and dealing, perhaps, with other matters, it might, even at this last moment, have had a chance, but he was afraid that this Bill would have no chance. Therefore, to save the Bill for England, they must bow the head to the conclusion that had been come to elsewhere as to Scotland. The idea that the Scottish people objected to this Bill was all moonshine. It was parliamentary moonshine, at all events. When they had the whole of the Scottish Members, with the exception of one or two at the outside, strongly in favour of the Bill, it was trespassing a little too much on their patience to be told that the Scottish people disliked the Bill. The only Scottish Member who had taken a prominent part against it was his hon. friend opposite, who had only been a short time in the House and therefore had no Parliamentary knowledge of the feelings of Scotland, and who represented two of the Universities. It was almost reducing the whole thing to an absurdity to say that they were to be compelled to submit their judgment of what was good for Scotland to such authorities as the House of Lords and his hon. friend. This was the strongest case of the inversion of authority on these Constitutional matters that they had ever seen. Stronger than the Education Bill, stronger than the Plural Voting Bill, stronger than any was this little thing. Yet he advised the House not to reject the Lords Amendment, but to treasure it in their hearts and to accept the Lords Amendment, rather than sacrifice the whole Bill. He had been asked what the Government would do next session. He could give no pledge. He had been rather searching his recollection, but he did not think he had given any pledge to anybody on anything for next session. If that were so, it was so much the better, because they would be able to have a free hand, up to the last moment, to exercise their judgment, and it would be a judgment guided by sympathy with the mass of the representatives of the three countries, of which Scotland was one. He could give no pledge, but he would say that he wished to see a similar Bill passed for Scotland, and he

Sir H. Campbell-Bannerman.

would ask his hon. friend the Member for Barnard Castle to leave the matter there.

*SIR HENRY CRAIK (Glasgow and Aberdeen Universities) said he would not have risen to take part in the debate but for the words that had fallen from the Prime Minister. He was unwilling to have it supposed that he was not prepared to accept responsibility for the opinions he had expressed in this House, or that he was not prepared openly and boldly to say that he was glad of the action taken by the House of Lords. The right hon. Gentleman had cast up against him his lack of Parliamentary knowledge, inferring from that that he had no knowledge of Scotland. He thought he had shown by long years of work in connection with the administration of Scottish affairs that he had its interests at heart, and that he was not entirely dead to the welfare of Scottish children. Some references had been made to the course of this Bill. They were told how long it was before the House and how carefully it was considered. So far as Scotland was concerned, the Second Reading passed without a single word, and in Committee the Scottish clause was not reached until 3 o'clock on a Saturday morning, when it occupied about ten minutes. On Report, about twenty minutes were spent upon it. Then there was the Report of the Select Committee, on which, although the Members of the party opposite were dominant, the clause applying the Bill to Scotland was only carried by a single vote. Every witness from Scotland gave evidence directly against its applicability to Scotland.

DR. MACNAMARA: Mr. Hector Ferguson.

*SIR HENRY CRAIK said that, from conversations he had had with Mr. Hector Ferguson, he was quite sure that that gentleman's opinion was adverse to applying the Bill to Scotland. Miss Laura Stevenson was also strongly opposed to the Bill, and hon. Members knew quite well her views, because her words had been quoted to the House. He had had many conversations at different times extending over years with Miss Laura

Stevenson, and from first to last her opinion was against the measure. He had been told that he entirely overlooked the opinion of Scotland as expressed by hon. Members opposite. He could only say that some of the hon. Members representing Scotland had spoken to him on this question in private in terms far different from that.

MR. EUGENE WASON: I should like to know who they are. [MINISTERIAL cries of "Name."]

SIR FRANCIS CHANNING (Northamptonshire, E.) asked whether it was in order for the hon. Member to refer to private conversations with other hon. Members without naming them when he was relying upon their opinion as evidence in support of his case.

THE DEPUTY SPEAKER: I cannot say that the hon. Member is out of order.

MR. CROOKS (Woolwich): Will the hon. Member tell us whether Preston is in Scotland?

*SIR HENRY CRAIK said the Prime Minister had thought fit to sneer at one or two school boards which had petitioned against this Bill.

MR. AINSWORTH (Argyllshire) asked if the hon. Member was in order in referring to the Prime Minister as sneering at the school boards because he happened to differ from him?

THE DEPUTY SPEAKER: I think the hon. Member is in order in using such language if he likes, but it is quite another question whether it is justified or not.

*SIR HENRY CRAIK said it had been stated that one or two school boards in no way expressed the opinion of Scotland upon this matter. The School Boards of Glasgow, Edinburgh, Dundee, Govan, and Aberdeen were against the proposal. Was there a single petition in favour of it from one school board in Scotland? He had been told that the trade unions had expressed themselves in favour of the Bill, and he was prepared to give every weight to opinions expressed by these bodies, but he was not aware that they had

specially interested themselves in benevolent efforts of this kind, and they had not under their charge the administration of funds for this object, as many of the witnesses who were against this measure had. The decision of the House of Lords was backed by Lord Balfour of Burleigh, whose opinion would not be lightly disregarded in Scotland. The Prime Minister had taunted him with the suggestion that his opinion was worthless because he represented the Universities of Glasgow and Aberdeen. Yet he believed among his constituents there were more men who had felt the stress of poverty than in almost any other constituency in Scotland. His was no wealthy constituency, nor one representing privilege of power; many of his constituents sprang from the poorest classes of Scotland and were acquainted with their needs. He ventured to say that the sneering references of the Prime Minister to his constituency were uncalled for, and they would redound more to the right hon. Gentleman's discredit than to that of the Universities he represented.

*MR. LAIDLAW (Renfrewshire, E.) said he deeply regretted the course which the Government had taken. He felt it very difficult to speak with moderation in this week above all weeks, when the hands of the other House were reeking with the blood of the Education Bill. That they should be asked by the Government to take this further blow from the Lords was more than human nature could stand. He was in hopes, whilst listening to the speech of the hon. Member in charge of the Bill, that the Government were going to take the right course and insist upon the Bill's being applied to Scotland. The Bill was born in Scotland, owing its origin to the Report of the Commission on Physical Deterioration. The Bill was desperately needed in some of the large cities, and he would ask the Parliamentary Secretary to the Board of Education, who sat in Paradise, whether it was too late for them to go cap in hand to the Lords, and, on the knee if necessary, to make a last appeal. He maintained that the benefits of the Bill were urgently needed in some of the Scottish cities, and he complained that, although Scotland had been starved in the matter of legislation

for years, they were now asked to assume that this Bill was not wanted there because nine Members of the House of Lords presumed to judge so against the opinion of seventy-one out of seventy-two Members representing Scotland in the House of Commons. He asked whether it was too late to appeal to the Lords; there were surely some reasonable men left there. He hoped the Government would at any rate allow Members to express their opinions in the Lobby without putting on the official whips. He denied that there had been no representation from Scotland in favour of the Bill. He had received representations in favour of it, and he knew a great many other Members had also. It was certainly not wanted in some quarters, but it was very much wanted in others, and those who did not want it need not have it. If the measure had been compulsory he should have hesitated about it, but as it was optional it could not do anybody any harm.

*MR. J. D. WHITE (Dumbartonshire) said he desired most earnestly to associate himself with the protest which had been made against the treatment which this Bill had received in another place. He had listened to the speech of the hon. Member for Glasgow and Aberdeen Universities, and in all that he had said the hon. Member had failed to deal with what he regarded as the leading fact as to public opinion in Scotland, namely, that five-sixths of the representatives of Scotland in this House had declared themselves in favour of the Bill. The measure was optional, and no local authority in Scotland need adopt its powers unless they liked. His hon. friend opposite did not mean to give the local authorities of Scotland a chance of adopting the measure. No one who knew the conditions of child-life in the large centres of Scotland would deny to them anything that might improve those conditions in any way, particularly during the course of the present winter. He protested against what had been done in another place, and also against the manner in which it had been done. The Bill had been sent to the other House a week ago, but the majority of its Members were so busily occupied in

mutilitating other beneficial measures that they were unable to turn their attention to this particular measure until last night, and the consequence was that it had not been sent back to this House until to-day. The view of the Government was that they must either agree to the Lords Amendments exempting Scotland, or lose the Bill for England and Wales. In the circumstances he should hardly feel justified in differing from the Government as to the course which should be taken. Amendments of this character should be received in time to give the House a reasonable opportunity of saying whether they agreed or disagreed with them. They might look upon this as the last kick the Lords had administered to the beneficial legislation of the session. It was particularly bad that it should have been administered to Scotland, because, on account of the pressure of other measures, Scotland had been the Cinderella of the session. The Prime Minister had expressed the hope that the Scottish Members would treasure this in their hearts. As one of the rank and file of the Scottish Members he could assure the right hon. Gentleman that they were not likely to forget it. When the time came for the right hon. Gentleman to take steps for giving effect to the will of the people as declared by their elected representatives, the Scottish Members would be among his most loyal and enthusiastic supporters.

MR. KEIR HARDIE (Merthyr Tydvil) desired to remove what he believed to be a wrong impression that had prevailed in the course of the debate. It was not true that Scotland and the Scottish School Boards petitioned against some form of public relief being given to hungry school children. Glasgow School Board, in sending its petition, sent a covering letter asking that the powers given to the Poor Law authorities in England to provide meals for hungry children should be extended to Scotland. Therefore, there was no opposition to the principle of the measure. If the public authorities in Scotland had not petitioned in favour of the Bill, it was because they knew that the House of Commons was practically unanimous in favour of it. It did not

occur to them that petitions were necessary. He regretted that the Government had not asked the House to adopt the course which he was going to suggest, namely, that the Lords Amendments should be sent back to the Upper Chamber, and that this House should wait for the return of the Bill. There was no statutory obligation to close the House of Commons at a given hour to-day, or even to wind up the session to-day at all. Most hon. Members present felt strongly on this point. Those who were in earnest upon it were quite prepared, at whatever inconvenience, to sit to any hour this evening, or, if necessary, to sit again to-morrow finally to dispose of the Bill. He hoped the Government would reconsider their attitude. The course he suggested did not involve any risk of the Bill's being lost. If the Lords persisted in their present attitude, he would respectfully advise the House to let Scotland go for this session rather than lose the Bill altogether. The Prime Minister had said that the Bill had few friends in the other House. That was perfectly true. Those who were present and heard the debate in the other House could not fail to be struck by the fact that the benches on which the bishops usually sat—the bishops who were so prominent recently while striving to force their sterilising creed on the minds of children—were empty on the occasion when the claims of hungry and starving children were being considered. He disputed the statement of the hon. Member for Glasgow and Aberdeen Universities that his constituents were behind him in this matter. The doctors and the ministers of Scotland, who knew the needs of the poor, were not supporting him on this question, and, indeed, he should be sorry for the educated classes in Scotland if it could be said in regard to a humanitarian measure of this description that with their approval their representative, of all the Members of the House of Commons, was the one man to interpose his will between the children and the relief which this Bill was intended to give them. He did not want to take this rebuff from the Lords lying down. He did not wish to concede a point to them on this or any other subject. Let hon. Members give them

to understand that they did not admit that there was anything in the argument against this clause which could be substantiated by anyone familiar with Scottish local requirements. The real truth was that those who had worked so hard to have Scotland taken out of the Bill were opposed to the Bill altogether. They had fought the Bill inch by inch, and line by line. He hoped the House would not tamely accept their opposition, and that one more effort would be made to have Scotland included in the Bill.

MR AINSWORTH sincerely hoped that Scottish Members would be satisfied with what had fallen from the Prime Minister on this subject. Surely the logical consequence of this Bill's being passed for England must be that a similar measure for Scotland would become law next year. He appealed to Scottish Members not to stand in the way of the children of England and Wales getting the benefit which was in store for them under the Bill. The arguments in favour of including Scotland in the Bill had been urged largely by hon. Members representing populous districts, but he would remind the House that there were sparsely inhabited districts in the Highlands where children had to walk four or five miles to school. The journey had sometimes to be made in stormy weather over wet roads, and it was almost essential that some food should be given to them when they got to school, and that some authority should be empowered to spend money in supplying what was required. If this Bill was allowed to go through, the Scottish Members might rest assured that they would have the assistance of the English and Welsh Members in procuring the same benefit for Scotland next year.

MR. HAROLD COX (Preston) said that the debate had turned into a general attack on the House of Lords, and with very much that had been said he sincerely sympathised. But in their treatment of this Bill he thought the House of Lords had demonstrated their absolute incapacity to act as a Second Chamber. Any intelligent Second Chamber would have rejected the Bill *in toto*. It had

been forced through the House of Commons in an all-night sitting, and its object had been grossly misrepresented to the country. It was not a measure to provide food for starving school children, but a measure to enable public authorities to establish municipal restaurants and run them at the expense of the rate-payers.

MR. DEPUTY-SPEAKER: Order, order! We are not on the question of the Bill. The question is the Lords Amendment excluding Scotland from the Bill.

MR. HAROLD COX: I was only pointing out that the justification for the rejection of the Bill by the Second Chamber would have been that it had been absolutely misrepresented to the country.

MR. DEPUTY-SPEAKER: The hon. Gentleman must confine himself to the question before the House.

MR. HAROLD COX said he was merely dealing with the general attack upon the House of Lords which had been made by every previous speaker, and he was explaining why they were justified in mitigating the effects of the Bill by removing Scotland from its operation. When they had a bad Bill, it was an advantage, at any rate, that its operation should be limited. He repudiated the suggestion that those opposed to the Bill were in any way desirous of leaving children to starve. Their opposition was based solely on the fact that it was better that children should be fed by their parents than by the local authorities. The essential difference between hon. Members and himself was that they wanted to make poverty pleasant, while he wanted to get rid of it altogether.

MR. SIR W. J. COLLINS (St. Pancras, W.) said he would view with dismay persistence in any course which would render the benefits of the Bill impossible for the children of London. He deeply deplored the action of another place in eliminating Scotland from the Bill, but he appealed to hon. Members from north of the Tweed to content themselves with having made their protest against the action of the Lords—a protest with which

he sympathised—and not to imperil a Bill which was urgently needed, especially in the case of necessitous children in London. He believed that the valuable experience of the working of the Bill in large and populous centres which would be obtained in England would create such a force of public opinion in favour of its application to Scotland that next year it would be absolutely impossible to oppose the passing of a similar measure, possibly modified and improved, for that country. As to the opposition of the hon. Member for Glasgow and Aberdeen Universities, it would probably be found that pressure would be brought to bear upon him by his constituents, and especially the medical graduates whom he represented, to show that they were generally in favour of this useful piece of constructive legislation. The suggestion of the hon. Member for Merthyr Tydvil was not a practical one at this stage of the session.

MR. RAINY (Kilmarnock Burghs) thought they ought to allow England and Wales to have the benefit of this Bill. He deprecated any action being taken which would imperil its passage into law. But he must protest that when the Scottish representatives were almost unanimously in favour of the Bill's being applied to Scotland, they should be so unceremoniously treated by the House of Lords at the instance of one Scottish Member who did not represent an ordinary constituency.

MR. MORTON (Sutherland) protested against the way in which Scotland was treated generally, both in the House of Lords and in the House of Commons. He supposed it was because the Scottish Members were not thought much of either in the other House or this House.

MR. DEPUTY-SPEAKER: The hon. Member is not entitled to say so.

MR. MORTON said he trusted the Scottish Members would join together at the proper time and insist on having Scotland treated equitably whether in regard to the provision of meals for school children or any other matter.

Question put, and agreed to.

Lords Amendments—

“In line 5, after the word ‘England’ to insert the word ‘and’ and leave out the words ‘and Scotland;’”

“To leave out Clause 7, and to insert in lieu thereof the words ‘this Act shall not apply to Scotland;’”

Read a second time, and agreed to.

Message to attend the Lords’ Commissioners.

The House went; and the Royal Assent was given to a number of Bills (*see* cols. 1851–2).

And afterwards His Majesty’s Most Gracious Speech was delivered to both Houses of Parliament by the Lord High

Chancellor (in pursuance of His Majesty’s Commands).

After which the Lord Chancellor said :

My Lords and Gentlemen,

By virtue of His Majesty’s Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in His Majesty’s Name, and in obedience to His Commands, prorogue this Parliament to Tuesday, the twelfth day of February next, to be then here holden; and this Parliament is accordingly prorogued to Tuesday, the Twelfth day of February next.

End of the 1st Session of the 28th Parliament of the United Kingdom of Great Britain and Ireland in the sixth year of the Reign of His Majesty King Edward VII.

APPENDIX I.

PUBLIC BILLS

DEALT WITH IN VOLUME CLXVII.

Those marked thus * are Government Bills. The figures in parentheses in the last column refer to the page in this volume. "[H.L.]" following title indicates that the Bill originated in the House of Lords.

(A.) HOUSE OF LORDS.

Title of Bill.	Brought in by	Progress.
*Burials	<i>Earl of Granard</i>	Read 2 ^a 13th Dec. (636) All Remaining Stages 17th Dec. (973) Royal Assent 21st Dec. (1851)
*Census of Production	<i>Earl of Granard</i>	Read 1 ^a 17th Dec. (975) Read 2 ^a 18th Dec. (1229) All Remaining Stages, 20th Dec. (1606) Royal Assent 21st Dec. (1851)
*Education (England and Wales)	<i>Earl of Crewe</i>	Consideration of Commons' Amendments, 17th Dec. (915) Consideration of Commons' Amendments, 19th Dec. (1370)
*Education (Provision of Meals)	<i>Earl of Crewe</i>	Read 1 ^a 13th Dec. (657) Read 2 ^a 19th Dec. (1473) All Remaining Stages 20th Dec. (1629) Royal Assent 21st Dec. (1881)
Expiring Laws Continuance	<i>Earl Beauchamp</i>	Read 1 ^a 13th Dec. (656) Read 2 ^a 18th Dec. (1231) All Remaining Stages 19th Dec. (1482) Royal Assent 21st Dec. (1851)
*Land Tax Commissioners	<i>Marquis of Ripon</i>	Read 1 ^a 13th Dec. (636) Read 2 ^a 17th Dec. (975) All Remaining Stages 18th Dec. (1226) Royal Assent 21st Dec. (1851)
*Land Tenure (now Agricultural Holdings)	<i>Earl Carrington</i>	Committee 13th Dec. (522) Report } 19th Dec. Read 3 ^a and passed } (1417) Consideration of Commons' Amendments, 21st Dec. (1826) Royal Assent 21st Dec. (1851)

A. HOUSE OF LORDS—*continued.*

Title of Bill.	Brought in by	Progress.
*Licensing (Removal of Doubts)	<i>Lord Chancellor</i>	Read 1 ^a 11th Dec. (3) All Remaining Stages 14th Dec. (814) Royal Assent 21st Dec. (1851)
*Marine Insurance [H.L.]	<i>Lord Chancellor</i>	Royal Assent 21st Dec. (1851)
*Merchant Shipping Acts Amendment (No. 2)	<i>Earl Granard</i>	Committee 11th Dec. (54) Report } 14th Dec. Read 3 ^a and passed } (806) Royal Assent 24th Dec. (1851)
*National Galleries of Scotland	<i>Lord Hamilton Dalzell</i> of	Read 1 ^a 18th Dec. (1236) Read 2 ^a 19th Dec. (1483) All Remaining Stages 20th Dec. (1669) Royal Assent 21st Dec. (1851)
*Notice of Accident	<i>Earl Beauchamp</i>	Read 2 ^a 14th Dec. (821) Committee } 18th Dec. Report } (1227) Read 3 ^a and passed 19th Dec. (1472) Royal Assent 21st Dec. (1851)
*Public Trustee [H.L.]	<i>Lord Chancellor</i>	Consideration of Commons' Amendments, 21st Dec. (1821) Royal Assent 21st Dec. (1851)
*Recorders, Stipendiary Magistrates, and Clerks of the Peace	<i>Lord Chancellor</i>	Read 1 ^a 11th Dec. (3) Read 2 ^a 14th Dec. (813) All Remaining Stages 17th Dec. (975) Royal Assent 21st Dec. (1851)
*Removal of Offensive Matter	<i>Earl of Granard</i>	Read 1 ^a 11th Dec (3) Read 2 ^a 13th Dec. (636) All Remaining Stages 17th Dec. (975) Royal Assent 21st Dec. (1851)
Street Betting		Royal Assent 21st Dec. (1851)
*Town Tenants (Ireland)	<i>Lord Denman</i>	Royal Assent 21st Dec. (1851)
		Committee 11 Dec. (3) Report 14th Dec. (782) Read 3 ^a and passed 18th Dec. (1153) Consideration of Commons' Amendments 20th Dec. (1606) Royal Assent 21st Dec. (1851)
Trade Disputes	<i>Lord Chancellor</i>	Committee 12 Dec. (272) All Remaining Stages 14th Dec. (810) Consideration of Commons' Amendments 19th Dec. (1468) Royal Assent 21st Dec. (1851)

A. HOUSE OF LORDS—*continued.*

Title of Bill.	Brought in by	Progress.
*Workmen's Compensation	<i>Earl Beauchamp</i>	Read 1 ^a 13th Dec. (657) Read 2 ^a 14th Dec. (815) Committee 18th Dec. (1158) Report } 19th Dec. Read 3 ^a and passed } (1467) Consideration of Commons Amendments 21st Dec. (1821) Royal Assent 21st Dec. (1851)

(B.) HOUSE OF COMMONS.

Title of Bill.	Brought in by	Progress.
Absent Voters (Scotland)	<i>Mr. A. W. Black</i>	Read 1 ^o 17th Dec. (1051)
*Burials	<i>Mr. John Burns</i>	Royal Assent 21st Dec. (1881)
*Census of Production	<i>Mr. Lloyd-George</i>	Report } 14th Dec. Read 3 ^a and passed } (886) Royal Assent 21st Dec. (1881)
*Education (England and Wales)	<i>Mr. Birrell</i>	Consideration of Lords' Amend- ments 11th Dec. (153) Consideration of Lords' Amend- ments 12th Dec. (379) Consideration of Lords' } 20th Amendments } Dec. Bill withdrawn } (1735)
*Education (Provision of Meals)	<i>Mr. Lough</i>	Report } 13th Dec. Read 3 ^a and passed } (722) Royal Assent 21st Dec. (1852)
*Expiring Laws Continuance	<i>Mr. McKenna</i>	Read 2 ^o 11th Dec. (244) All Remaining Stages 12th Dec. (476) Royal Assent 21st Dec. (1881)
*Land Tax Commissioners	<i>Mr. McKenna</i>	Committee 11th Dec. (259) Report } 12th Dec. Read 3 ^a and passed } (520) Royal Assent 21st Dec. (1881)
*Land Tenure (Now Agri- cultural Holdings)	<i>Mr. Agar Robartes</i>	Consideration of Lords' Amend- ments 20th Dec. (1768) Royal Assent 21st Dec. (1881)
*Licensing (Removal of Doubts)	<i>Sir J. Walton</i>	Royal Assent 21st Dec. (1881)
*Marine Insurance [H.L.]	<i>Sir J. Walton</i>	Royal Assent 21st Dec. (1881)

Title of Bill.	Brought in by	Progress.
*Merchant Shipping Acts Amendment (No. 2)	<i>Mr. Lloyd-George</i>	Consideration of Lords' Amendments 17th Dec. (1146) Royal Assent 21st Dec. (1881)
*National Galleries (Scotland)	<i>Mr. Sinclair</i>	Committee 14th Dec. (838) Report } 17th Dec. Read 3 ^o and passed } (1148) Royal Assent 21st Dec. (1881)
*Notice of Accidents	<i>Mr. H. Samuel</i>	Consideration of Lords' Amendments 20th Dec. (1819) Royal Assent 21st Dec. (1851)
Police Superannuation (Scotland)		Read 1 ^o 18th Dec. (1290)
*Probation of Offenders	<i>Mr. Gladstone</i>	Read 1 ^o 13th Dec. (693) Bill withdrawn 19th Dec. (1603)
*Public Health (Regulations as to Food)	<i>Mr. John Burns</i>	Bill withdrawn 18th Dec. (1368)
*Public Trustee	<i>Sir J. Walton</i>	Committee 18th Dec. (1328) Committee 19th Dec. (1570) Report } 20th Dec. Read 3 ^o and passed } (1806) Royal Assent 21st Dec. (1882) Royal Assent 21st Dec. (1881)
*Recorders, Stipendiary Magistrates and Clerks of the Peace	<i>Mr. Herbert Samuel</i>	
*Removal of Offensive Matter	<i>Mr. John Burns</i>	Royal Assent 21st Dec. (1881)
*Small Landholders (Scotland)	<i>Mr. Sinclair</i>	Bill withdrawn 11th Dec. (260)
*Spurious Sports	<i>Mr. Luttrell</i>	Read 1 ^o 12th Dec. (379)
*Street Betting [H.L.]	<i>Mr. Yoxall</i>	Royal Assent 21st Dec. (1881)
*Telegraph Construction	<i>Mr. Buxton</i>	Bill withdrawn 12th Dec. (520)
*Town Tenants (Ireland)	<i>Mr. Cherry</i>	Consideration of Lords' Amendments 21st Dec. (1881) Royal Assent 21st Dec. (1881)
*Trade Disputes	<i>Sir J. Walton</i>	Consideration of Lords' Amendments 17th Dec. (1139) Royal Assent 21st Dec. (1881)
*Workmen's Compensation	<i>Mr. Gladstone</i>	Read 3 ^o and passed 13th Dec. (693) Consideration of Commons' Amendments 20th Dec. (1800) Royal Assent 21st Dec. (1881)

APPENDIX II.

The following Answers were published after the last number of the Parliamentary Debates had been issued :—

QUESTIONS AND ANSWERS CIRCULATED WITH THE VOTES.

Dover Admiralty Harbour Contract.

MR. COURTHOPE (Sussex, Rye) : To ask the Secretary to the Admiralty, whether the original contract with Messrs. Pearson and Son for the construction of the Admiralty harbour at Dover is still in force, or whether the work is now being carried on under a new contract ; and at what date the original contract expired, or will expire.

(*Answered by Mr. Edmund Robertson.*) The original contract is still in force. The original contract period will expire on 10th November, 1907.

P. O. Savings Banks—Deposits and Withdrawals.

MR. FIELD (Dublin, St. Patrick) : To ask the Postmaster-General, whether he will state the total number of savings bank deposits and withdrawals during the last period for which the figures are available in Ireland and Great Britain respectively ; and what percentage of these deposits and withdrawals in Ireland was made through British deposit books and vice versa.

(*Answered by Mr. Sydney Buxton.*) During the year ended the 31st December, 1905, the savings bank deposits and withdrawals made in Ireland numbered 682,382, and 353,050 respectively, and the deposits and withdrawals made in Great Britain 14,988,629 and 6,750,410 respectively. To ascertain the percentage of the transactions in Ireland which related to British deposit books, and the percentage of the transactions in Great Britain which related to Irish deposit books, would involve a very large expenditure of labour and time ; and I regret that I do not see my way to undertake the calculation.

Liverpool Post Office Engineering Department Appointments.

MR. BYLES (Salford, N.) : To ask the Postmaster-General, if he is aware that a member of the Engineering Department at Liverpool recently applied for an appointment to the staff after completing upwards of eleven years' service ; that the supervising officer threatened dismissal if the application was repeated, and that the threat resulted in the man leaving the service, and is he aware that similar action is commonly complained of in the Engineering Department at Liverpool ; and whether he proposes to take any action in the matter.

(*Answered by Mr. Sydney Buxton.*) I am not aware of any case such as that described by the hon. Mmember ; but if he will furnish me with particulars of the case he has in mind I will look into the matter.

APPENDIX II.

Naval Works Acts—Annuities and Repayment of Advances.

MR. BELLAIRS (Lynn Regis): To ask the Secretary to the Admiralty, what were the annuities in repayment of advances in connection with the Naval Works Act in 1901-2, and each subsequent year; and whether he can give an approximate estimate of the further increase in 1907-8.

(Answered by Mr. Edmund Robertson.) The amount of the annuities, etc., in repayment of advances under the Naval Works Acts in 1901-2, and subsequent years, was as follows:—

	£
1901-2	122,255
1902-3	297,895
1903-4	502,010
1904-5	634,238
1905-6	768,281
	247,531*
1906-7	880,559
	213,750*

The further increase for the financial year 1907-8 is estimated, approximately, at £120,000.

Employment of Officers at Portsmouth Naval Barracks.

MR. JOWETT (Bradford, W.): To ask the Secretary to the Admiralty, if, in the Portsmouth Naval Barracks, officers on the list of supplementary lieutenants are placed in charge of the guard, and officers junior to them perform the duties of commanding officer, contrary to Articles 174, 175, 191, and 612 of the King's Regulations and Admiralty Instructions; how many of those officers are at present borne on the books of naval barracks; if any steps are to be taken to ensure that those officers are employed in positions suitable to their rank in the service; if he will explain why officers who have entered the Royal Navy from the Royal Navy Reserve are treated differently to officers who enter the Army from the Militia, as regards rank, command, and promotion; and whether he proposes to take any steps to place these officers in the same position as regards promotion as other lieutenants in the service.

(Answered by Mr. Edmund Robertson.) The answer to the first part of the question is in the negative. As regards the remainder of the Question, thirty-five of these officers are at present borne on the books of His Majesty's ships "Victory," "Pembroke," and "Vivid." Of this number twenty-eight are borne supernumerary for disposal, and seven (including two for duty in naval barracks), are borne for various services. Supplementary lieutenants are selected for the appointments for which they are individually suitable in the same way as all other officers. There is no analogy between officers entering the Army through the Militia and lieutenants on the Supplementary List of the Royal Navy. The latter were entered from the mercantile marine to meet a special and temporary need, and under the regulations contained in the Order in Council of 29th June, 1895, they can only be promoted to the active list of commanders for "distinguished service during war operations." The Board see no necessity for any modification of this condition.

Charges in respect of sums borrowed on Exchequer Bonds (Act 4 Edw. 7, c. 21).

APPENDIX II.

The "Home" Fleet.

MR. NIELD (Middlesex, Ealing) : To ask the Secretary to the Admiralty, whether the organisation of the new Home Fleet will be such as to ensure its being at all times in a state of immediate readiness for war.

(*Answered by Mr. Edmund Robertson.*) The answer is in the affirmative.

MR. NIELD : To ask the Secretary to the Admiralty, whether the new Home Fleet to be contributed from the ships in commission in reserve, will be required to carry out battle practice and other fleet exercises as frequently as the Channel, Mediterranean, and Atlantic Fleets ; whether the ships comprising the new fleet will carry at all times their full complement of all ratings ; and whether, in the event of a ship being transferred from the Home Fleet for the purpose of temporarily replacing an unit of the Channel, Mediterranean, or Atlantic Fleets, the ships thus transferred will be replaced in turn by a ship from the special reserve.

(*Answered by Mr. Edmund Robertson.*) The elaboration of details in connection with the formation of the Home Fleet is still in progress, and it would be premature and undesirable to give replies to specific questions of this kind ; but the Home Fleet will be efficiently organised for instant readiness for war.

MR. NIELD : To ask the Secretary to the Admiralty, whether the reduction in the number of battleships constituting the Channel, Mediterranean, and Atlantic Fleets is to be made solely for the purpose of providing crews for the ships of the new Home Fleet and Special Reserve.

(*Answered by Mr. Edmund Robertson.*) The answer is in the negative.

Admiralty Contracts for the Thames Ironworks.

MR. BROOKE (Tower Hamlets, Bow and Bromley) : To ask the Secretary to the Admiralty, whether, in view of the lack of employment in the shipbuilding and other industries of the East End of London, he will suggest that, in placing orders for large battleships, an opportunity should be afforded to the Thames Iron Works of tendering for one of them ; and whether he will also call the attention of the Admiralty to the desirability of sending a share of the repairing work of the Navy to the shipbuilding yards in the East End of London.

(*Answered by Mr. Edmund Robertson.*) Opportunity is given, and will be given, to the Thames Company to tender for work which they are considered to be capable of doing satisfactorily. They have been invited to tender for the machinery of the two dockyard-built armoured vessels of this year's programme, and have actually tendered. Their name is also on the list of machinery contractors furnished by the Admiralty to the firms invited to tender for the contract-built armoured vessels. It is not proposed to put any repairing work out to contract at present.

The Army—Approved Recruits.

LORD BALCARRES (Lancashire, Chorley) : To ask the Secretary of State for War, what was the total number of approved recruits for the Regular Army from 1st October, 1905, to 30th September, 1906, and what was the total waste from all causes during the same period, such waste including men transferred to the Reserve ; and what is the calculated waste from all causes for the year ending 30th September, 1907, assuming that no further reductions of establishment are made during that period.

APPENDIX II.

(Answered by Mr. Secretary Haldane.) The numbers are as follows :—

Recruits	-	-	-	-	-	-	-	-	-	36,465
Wastage	-	-	-	-	-	-	-	-	-	46,414
Estimated waste for the year ending 30th September, 1907										48,894

This wastage is exceptional owing to the efflux of the men enlisted for three years. The above numbers do not include Colonial corps or Indian troops employed under the British Government.

Irish Land Purchase—Issue of Stock.

MR. AINSWORTH (Argyllshire): To ask the Secretary to the Treasury, whether he will consider the advisability, with a view to expediting the payment for estates which it has been agreed to sell under the Irish Land Purchase Act, of arranging for the issue of stock bearing interest at 3 per cent. and redeemable at par within a fixed period at the option of the Treasury as an equivalent for cash.

(Answered by Mr. McKenna.) Section 27 of the Irish Land Act, 1903, directs that advances for land purchase shall be made in money and not in stock; and Section 28 provides that the money required shall be raised by the issue of 2½ per cent. stock. The proposal could not, therefore, be carried out except by legislation subverting the provisions of the Act of 1903. My hon. friend appears to be under the impression that sales are delayed by the want of funds, but such is not the case.

Assistance offered to Indians emigrating to East African Protectorate.

MR. REES (Montgomery Boroughs): To ask the Under-Secretary of State for the Colonies, what is the assistance, other than land grants, being offered to Indians emigrating to the East Africa Protectorate; and whether he will furnish full information as to the terms on which such Indians are now being invited to emigrate to such Protectorate.

(Answered by Mr. Churchill.) The following are the terms on which the Commissioner of the East Africa Protectorate proposed to invite Indians to emigrate to the Protectorate :—

- (1) Specified arears to be allotted for settlement, the country lying between the Coast and Kiu, and Fort Ternan and the Lake, being considered most suitable, and the village community system to be established.

- (2) The price of land to be fixed at Rs.2 per acre outside the railway zone, and the settler to be entitled to buy land up to 50 acres, pre-empting 150 acres more, for which he would require to qualify by bringing at least 30 acres of his original holding into a state of cultivation or fit for cultivation in three years after date of occupation. Provided always that the land, in the opinion of the officer in charge of the scheme, is productive.

- (3) The land to be surveyed in blocks and intending settlers to receive their allotments consecutively in order as the applications are received, at least six months' notice being required by the land officer for preparation of the survey.

- (4) For a period of five years from date of occupation the land to be free of all taxation, and, on the introduction of taxation, the Bengal system of " permanent assessment " should obtain.

- (5) Irrigation works, where practicable, to be carried out by the Government, and a reasonable charge for supplying water to be made to the settler.

APPENDIX II.

(6) The following assistance to be given by the Government to intending settlers ; a refund of the cost of which, together with the price of the land bought and all fees payable, to be made by the settler within five years, and pending the said refunds and payments the land and implements to remain the property of the Government.

(a) Passages for a settler and his family from their homes to places of settlement, with food allowances.

(b) A sum, say Rs.5 per head per mensem, until the first crop is harvested.

(c) Four oxen for ploughing.

(d) Agricultural implements.

(e) Assistance in case of failure of crops.

(7) In no case should the assistance given exceed Rs.300 per settler.

The Secretary of State has no reason to think that these terms have been altered.

Supplementary Lieutenants and Commanders.

MR. BELLAIRS : To ask the Secretary to the Admiralty, what is the total number of supplementary lieutenants and commanders entered from the mercantile marine ; and how many of these officers have subsequently been employed as navigating officers of His Majesty's ships.

(Answered by Mr. Edmund Robertson.) The total number of officers taken on the list from the mercantile marine was 154 ; of these 106 now remain on the supplementary list. Sixty-three have been employed on navigating duties at various times.

Accidents to Battleships navigated by Officers trained in the Mercantile Marine.

MR. BELLAIRS : To ask the Secretary to the Admiralty, whether any single warship has been lost or hazarded where the navigation has been entrusted to an officer trained in the mercantile marine ; and, if so, will he state the occasions on which such risks were run.

(Answered by Mr. Edmund Robertson.) A number of warships have grounded or collided with other vessels when being navigated by the officers referred to, but it is not desirable to discriminate between these accidents and other similar ones in such a way as to draw comparisons between one class of officer and another.

Battleships maintained in Full Commission.

MR. BELLAIRS : To ask the Secretary to the Admiralty, how many battleships have been maintained in full commission during the whole of the year ; and how many have been in full commission for only a part of the year.

(Answered by Mr. Edmund Robertson.) Twenty-six battleships have been maintained in full commission during the whole of 1906, and fourteen have been in full commission for a part of the year. To this latter number may be added ten battleships which were in full commission during the grand manœuvres.

Accidents to Battleships.

MR. BELLAIRS : To ask the Secretary to the Admiralty, how many battleships during the present year have been in collision, how many have grounded with or without injury ; and how many have been put out of commission in order to enable engine-room or gun defects to be taken in hand.

(Answered by Mr. Edmund Robertson.) It does not appear to be in the public interest that the information asked for by the hon. Member should be published.

APPENDIX II.

Armoured Cruisers maintained in Full Commission.

MR. BELLAIRS : To ask the Secretary to the Admiralty, how many armoured cruisers have been maintained in full commission during the whole of the year ; and how many have been in full commission for only a part of the year.

(*Answered by Mr. Edmund Robertson.*) Fourteen armoured cruisers have been maintained in full commission during the whole of 1906, and twelve have been in full commission for a part of the year. To this latter number may be added two armoured cruisers which were in full commission during the grand manœuvres.

Accidents to Armoured Cruisers.

MR. BELLAIRS : To ask the Secretary to the Admiralty, how many armoured cruisers during the present year have been in collision ; how many have grounded with or without injury ; and how many have been put out of commission in order to enable engine-room or gun defects to be taken in hand.

(*Answered by Mr. Edmund Robertson.*) It does not appear to be in the public interest that the information asked for by the hon. Member should be published.

Pay in H.M. Dockyards—Piecework and Pensions.

MR. ERNEST LAMB (Rochester) : To ask the Secretary to the Admiralty, whether in view of the concession recently granted to established men in His Majesty's dock yards, making payment for overtime not liable to deduction for pension, a similar concession can be granted in the case of extra pay for piecework and premium, considering that men on being placed on the establishment suffer a deduction from their hired pay of from 1s. 6d. to 2s. per week.

(*Answered by Mr. Edmund Robertson.*) The concession referred to is already applicable to overtime worked by established men on "piece" or "premium" work, and is not restricted to the overtime of established men when working on "time" rates.

Pay of Labourers in Deptford Victualling Yard.

MR. BOWERMAN (Deptford) : To ask the Secretary to the Admiralty, whether, seeing that in granting an increase in wage to the hired unskilled labourers employed at the Deptford Victualling Yard and West India Docks it has been the rule to grant a similar increase to the established labourers employed therein, he will say if, in departing from this practice on the recent occasion when an increase in wage was granted to the former class of workmen, the established labourers are, as a result, contributing towards their pension a sum equivalent by comparison to 3s. per week.

(*Answered by Mr. Edmund Robertson.*) The answer is in the affirmative.

Imports of American Typewriters into Great Britain.

MR. STAVELEY HILL (Staffordshire, Kingswinford) : To ask the President of the Board of Trade, how many American type-writing machines are imported annually into Great Britain ; and whether he can state what is the total value at which they are placed in the Customs Returns.

(*Answered by Mr. Lloyd-George.*) No record is kept of the number of type-writing machines imported. The value of such machines, including parts thereof, imported during 1905 was £308,659, of which £282,864 represented the value of imports from the United States of America. Particulars for years previous to 1905 cannot be given.

APPENDIX II.

Duties of Enniskillen Post Office Staff.

MR. SLOAN (Belfast, S.): To ask the Postmaster-General, whether he is aware that official witnesses before the Select Committee stated that no telegraphist was ever called upon to supervise more than four men, and then only for short periods; and, seeing that it is of frequent occurrence at Enniskillen that a telegraphist is in charge of twelve members of the staff, what steps he proposes to take to remedy the position at that office.

MR. SLOAN: To ask the Postmaster-General, whether he is aware that the male sorting clerks and telegraphists employed at Enniskillen have to begin their duty at 4 a.m. for periods of from six to nine months per annum; whether this condition of affairs is due to the introduction of female labour in order to effect economy; and whether he will take any steps to remedy this alleged grievance.

(*Answered by Mr. Sydney Buxton.*) In answer to the two questions by the hon. Member, Nos. 14 and 16, I may say that the question of the staff of Enniskillen Office and its duties is now engaging the attention of the surveyor, and I hope, before long, to be in a position to inform the hon. Member of the result.

Newry Post Office—Father and Son in same Office.

MR. SLOAN: To ask the Postmaster-General, whether it is a rule of the service that relatives of postmasters must not be employed at the office to which the postmaster is attached; and, if so, whether he can state the reason for the son of the postmaster at Newry, Ireland, aged twenty years, being employed at that office.

(*Answered by Mr. Sydney Buxton.*) It is the usual practice of the Department that near relatives of a postmaster of an office not recruited by open competition should be transferred to some other office, either on appointment to the establishment, or when they reach a suitable age to leave home. The son of the postmaster of Newry is a learner only, and it will be necessary for him to be transferred to some other office on his receiving an established appointment.

Hamilton Place Gardens.

MR. MORTON (Sutherland): To ask the Secretary to the Treasury, whether the tenants in Hamilton Place, Piccadilly, have any right to the open space in rear of those houses, which appears to be part of Hyde Park; and, if so, on what terms do the said tenants or any other persons hold the open space, and why are the public excluded.

(*Answered by Mr. Harcourt.*) Hamilton Place Gardens were enclosed in the reign of George IV., for the reason that this part of the park was the resort of disorderly characters addicted to the commission of grave nuisances. The number of key licences issued for the current year is about 130. Any respectable householder in the neighbourhood who applies for a key is allowed to have one for the payment of the annual subscription of three guineas. The revenue for the present year has been about £400.

APPENDIX II.

Royal Hibernian Academy.

MR. BOLAND (Kerry, S.): To ask the Secretary to the Treasury, whether he is aware that, on 19th December, the Royal Hibernian Academy, at an adjourned special meeting to consider the Report of the recent inquiry, passed a resolution expressing their entire approval of the Report as presented by the minority, and their dissent from and rejection of the Report of the majority of that committee, and stating that they will reject any offers based on the recommendations of that majority if proposed; and whether he will take steps to ascertain the views already expressed in Ireland, irrespective of political views, and by Irish artists individually and collectively, on the proposals of the majority Report before any action is taken.

(*Answered by Mr. McKenna.*) My attention has been drawn by my hon. friend to the resolution in question. I do not, however, think it necessary to collect any further information beyond that which was supplied to the committees, but any representations made to me on specific points will receive due consideration.

Military Rank of Roman Catholic Archbishop of Malta.

MR. SLOAN: To ask the Secretary of State for War, whether the General Officer Commanding-in-Chief at Malta has yet furnished the report asked for as to the military rank, if any, held by the Roman Catholic archbishop and the military honour paid to this prelate by the turning out of the guard when he passes; and, if so, will he lay it upon the Table of the House.

(*Answered by Mr. Secretary Haldane.*) The reply has not yet been received. The General Officer Commanding-in-Chief has been asked by cable when it may be expected.

Night School for London Volunteer Officers.

MR. HICKS BEACH (Gloucestershire, Tewkesbury): To ask the Secretary of State for War, whether the London night school for Volunteer officers is to cease as from the end of this month; and, if so, what steps he proposes to take to preserve the effective training of the officers of the auxiliary forces.

(*Answered by Mr. Secretary Haldane.*) It has been found impossible to obtain adequate accommodation in London for holding a night school except at a prohibitive rental. Till such accommodation is found it is not considered that the instruction which can be imparted in a small building justifies a night school being held. The subject of the training and instruction of officers of the auxiliary forces is receiving careful consideration.

Government Contract for Harness and Belting—Glasgow Firm and Fair Wage Clause.

MR. ROWLANDS (Kent, Dartford): To ask the Secretary of State for War, whether he is aware that a Government contract for harness and belting leather has been placed with a firm in Glasgow; and that complaint has been made against the firm for not observing the current rate of wages clause; whether he has had an inquiry made into the complaint; and, if so, can he state the result of the inquiry.

(*Answered by Mr. Secretary Haldane.*) My attention has already been drawn to this matter, and inquiries are being made with regard to it. They are not, however, yet completed.

APPENDIX II

Volunteer Rifle Ranges—Scotland.

MR. SMEATON (Stirlingshire): To ask the Secretary of State for War, what is the total number of Volunteer rifle ranges in Scotland; what are their distances from headquarters; and whether, when a rifle range becomes obsolete, the War Office undertakes to replace them.

(*Answered by Mr. Secretary Haldane.*) As regards the first two parts of this Question, the required information will be found in the Rifle Ranges Return, a copy of which has been handed to my hon. friend. In answer to the last paragraph, the War Office does not undertake to replace obsolete ranges, but I should inform my hon. friend that on the last occasion when an alteration in the pattern of the service rifle necessitated serious remodelling of the ranges Parliament made special grants to Volunteer corps to assist them in meeting the cost of the changes.

Additional Bridge Across Medway—Suggested Grant by the War Department.

MR. E. H. LAMB: To ask the Secretary of State for War, whether his attention has been called to the question now before the Kent County Council of providing an additional bridge across the Medway; and whether, if such a bridge were constructed in the neighbourhood of Halling and Wouldham, thus shortening the route for the War Department between Chatham and Aldershot, he could see his way to make provision in the next Army Estimates for a contribution towards the cost of such a bridge.

(*Answered by Mr. Secretary Haldane.*) There is no information on this subject in the War Office, but the local military authorities will be asked for a report upon it for my consideration.

Pay of Christmas Supernumeraries in the London Post Offices.

MR. O'GRADY (Leeds, E.): I beg to ask the Postmaster-General whether he has made inquiries into the fact that a number of Christmas supernumeraries are being employed at Mount Pleasant and other sorting offices on night attendance, viz., twelve midnight to eight a.m., for a wage of £1 per week; and, if so, with what result; and whether he will undertake to see that these men receive treatment at least equal to that given for a similar class of labour by the London County Council, and other municipal bodies.

MR. SYDNEY BUXTON: I find that the men in question receive liberal rates for overtime at night; and as, during the Christmas pressure, they generally work more than eight hours daily, their actual pay is considerably more than £1 a week. No change could now be made this year, but I will consider whether any modification is desirable next year.

Lighting of Rock Angus—Wreck of the "Anglia."

MR. T. L. CORBETT (Down, N.): To ask the President of the Board of Trade, whether his attention has been called to the fact that a large steamer, the "Anglia," has gone ashore on the coast of county Down owing to the want of a light on Rock Angus; and whether he will call the attention of the Irish Lights Commissioners to the circumstances.

MR. KEARLEY: My right hon. friend's attention has been called to the stranding of this vessel on Ballquinton Point, and the Board of Trade have ordered a formal investigation into the casualty. It is not proposed, pending the result of this investigation, to communicate with the Commissioners of Irish Lights.

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[AUTHORISED EDITION].

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